James T. Kenney   September 20, 2004
Wellesley, MA

8

industry 1:6 15:14 16:5	36:15 37:2,8 37:13 38:19 50:13 60:11 63:1 83:7	**J**	18:20 19:9 19:19 29:22 30:13,17,17	leverage 60:21 like 72:13 limited 56:2
infertility 36:12,21 58:11	invoice 32:2	J 3:4 James 1:13 3:4 4:5 5:11,18	32:11 48:12 49:21 50:16	68:21 list 45:17 49:12
Influence 32:19	involved 10:18 16:17 20:12 33:1,6 61:5	January 36:3,8 38:19	50:20,22 53:15,18 55:9 59:13	50:19 77:10 78:7,10,10,14 78:16,18,20
information 23:9 30:6 76:1,19,22	63:14 81:1,5	job 79:4 Jodi 1:15 83:2 83:17	59:22 61:4 61:16 65:18	listed 41:22 43:12 44:2
77:14,18,22 78:5 79:1,9	involvement 11:1 16:22 21:11 33:9	Jr 5:18 just 6:9,11,21	67:21 71:5 71:15,17,19	46:17 47:5 51:17
79:19	63:18	9:11,18 12:17 18:15	71:21 72:13 73:9,13,21	listing 27:19 29:13,17
informational 77:5	involves 7:3 isn't 79:11	22:3 42:4 51:10,15	77:9,12 78:15 79:8	lists 49:19 50:1 51:3 68:9
ingredient 23:19	its 8:19 9:21 10:5 12:4,15	57:1 69:13 69:16 80:12	knowledge 16:13 17:9	70:11 LITIGATION
ingredients 59:3,5	13:1,5 15:8 16:12 17:11	80:20 81:10 81:22	25:2 50:10 56:2 68:4	1:7 LLP 2:3,14
injectable 34:4 injectible	17:19 18:2 24:20 31:14	**K**	71:13 76:5 known 7:12	load 31:21 located 66:20
36:10	32:5,17 35:8 39:22 40:3	Kansas 3:20 Kazarosian	60:3	location 66:8 67:5
instance 57:21 58:2	45:17 50:13 50:19 52:10	21:20 80:18 Ken 21:20	**L**	locations 68:19 68:21
instances 77:3 instead 26:4	72:19 73:22 79:5 81:21	80:18 81:22 Kenneth 21:20	L 5:1 last 6:6 16:8	long 6:1 look 40:11
insurance 73:16	IVP 39:4 I'd 40:11 48:19	Kenney 1:13 4:5,13,15,17	late 20:2 later 20:13	45:3 48:19 51:9 61:21
insurer 8:5 interested	51:15 I'll 41:10 64:12	4:19,21 5:11 5:16,18	lead 59:1 least 50:6	72:13 looked 70:7,10
83:13 intern 56:17	I'm 8:12,14 17:15 28:17	39:10,11,12 39:13 40:11	led 38:1 legal 65:16,19	looking 47:18 48:21
57:16,18 73:1	31:13 39:5 40:17 43:22	61:20 63:14 64:17	Less 46:20 lesser 47:14	lower 55:6
internally 16:10 22:7	44:7 47:18 52:1 53:3	Killoren 3:18 kind 6:21 11:7	let 7:8 9:18 27:16 35:6	**M**
22:14 23:2,4 24:21	55:21 56:1,3 56:5 62:11	77:5 kinds 78:21	45:13 50:17 52:2 53:7	MA 2:7 3:6,12 MAC 47:15
interrogatori... 5:14	70:1 80:6 81:10	know 8:21 9:10,12	54:6 56:22 77:9 79:18	48:17 49:4,7 49:9,12,12,12
into 9:16 20:14 25:8 33:13	I've 7:1 i.e 29:8 42:18	12:17 14:13 14:15,17	letter 64:4 let's 12:11	49:19,22 50:9,10,13,13
33:22 34:5 34:16 35:19	44:13	17:13 18:16	61:17	50:19 51:3,3

James T. Kenney

September 20, 2004

Wellesley, MA

9

72:4,16	25:9 26:15	48:4	16:12 34:18	9:9 10:7,14
made 11:8	26:17 27:5	maybe 12:7	35:8 45:21	11:20,21
28:5 82:1	27:10,18	19:5 20:9	47:13 48:10	12:6,9,16
mail 59:8,17	29:20 30:3,9	72:17	48:15 59:9	13:18,20
mail-order	30:10 31:4	me 6:4 7:8 9:18	59:14 62:9	14:6,12,16
59:14	33:2 53:13	21:13 27:16	63:12 79:5	15:15,16
Main 2:5	53:20 55:3,5	30:22 35:6	80:2,3 82:12	16:7,14 17:7
maintain 64:9	55:11,12	40:14 42:5	mentioned	18:15 21:1,3
make 45:13	75:16 77:9	43:2 45:13	20:16 44:6	21:9 23:6,7
46:3	77:17,18	50:17 52:2	57:22	23:12 24:15
makers 79:19	78:6 79:2,10	53:7 54:6	merger 7:21	24:22 25:5
makes 47:21	79:16 80:15	56:16,21,22	65:10	25:18,22
making 23:10	81:2,13,18	57:2 58:7,10	Merit 1:17	26:5,21
48:20	manufactures	60:19 61:8	met 22:3	27:13,20
Mall 67:2	77:1	61:10 62:1	Middlesex	28:2,10,16
manage 22:6	many 11:8	79:18 81:11	83:2	29:5,14,19
22:13 23:3	37:18 38:21	83:4,5,6	mind 44:19	30:5,12,21
34:3	43:4	mean 31:20	minus 62:16	31:6,10
management	mark 39:5	35:4 58:20	63:10	32:10,16,21
34:13 38:5	61:17	61:16 71:17	minute 56:21	33:15,19
45:7	marked 39:10	71:20,21	MO 3:20	34:2,20 35:3
management...	39:11,12,13	72:11 77:12	model 7:14,16	36:13 38:10
45:7	39:14 40:12	Meaning 72:12	7:22 8:1,2,3	39:5 40:11
manager 7:1	41:4 46:10	Medford 66:20	8:4,8,22 9:6	40:16 41:18
17:12 18:1	58:8 61:20	67:2,4 68:16	9:12,15,16,19	42:22 44:16
24:9	61:22 63:22	70:8,11	10:6,15,21	44:18 46:1
managing 6:12	market 15:13	71:22	11:9,13,16,20	46:11,19
6:13 23:1	marketplace	medication	12:5,15 13:1	47:4,16,20
manually 32:3	14:5	77:4	13:6,11 14:2	48:11,18
manufactured	markup 12:2	Medications	14:22 15:8	49:1 50:15
58:21	12:13 52:19	58:11	15:20 16:10	50:21 51:15
manufacturer	53:18 54:4,6	MedImpact	38:4,4 45:6	51:21,22
10:9 13:9	54:9,11,19	18:10 20:5	81:15,19	52:7,20 53:2
16:1 27:7	Mass 67:2	22:20 49:17	moment 12:12	53:6,14,21
68:17 78:11	Massachusetts	49:19 51:2	Monday 1:21	54:12,17,22
manufacture...	1:2,19,21	Medi-Span	more 22:6 23:3	55:8,15,17
7:7,8 10:20	56:13,15	76:2	43:6 47:20	58:5 61:2,3
11:3,14,18	57:14 66:9	Meds 59:19,21	50:5 79:9	61:15,17
12:4,14 13:5	66:12,21	meet 27:1 45:2	morning 64:17	63:14 64:12
13:10,15	83:1,3,20	76:9	most 34:7	64:16,17
14:2,4,11	matter 63:16	meeting 27:4	54:20	65:21,22
15:19 16:18	64:1	member 35:2	motions 5:9	69:20 72:8
17:6 21:14	maximum 49:5	members 8:6	Mr 4:6,7 5:15	74:2,12,17
22:3 24:5	may 30:16	9:21 10:2	5:16 8:11 9:7	75:1,2,13,14

James T. Kenney   September 20, 2004
Wellesley, MA

10

75:20,21	82:4	71:13 73:18	36:13 38:10	27:18,22
77:11 78:3	**negotiated**	76:10 80:6	41:18 42:22	29:12,17
78:13 79:6,7	11:5,13	83:12	44:16 46:1	**offered** 68:18
79:12,13	20:14 21:14	**Notary** 1:16	46:11,19	75:15
80:4,5,8,11	40:22 45:1,8	5:5 83:2,18	47:4,16	**offers** 9:21
81:8 82:13	46:8 52:10	**note** 25:5	48:11,18	**office** 83:14
82:14	70:7 74:13	41:18 47:4	49:1 50:15	**offices** 1:19
multiple 36:22	82:1	51:16 58:11	50:21 51:21	10:12
36:22 59:3,5	**negotiating** 7:3	**nothing** 80:8	51:22 52:7	**Ohnemus** 1:15
my 6:11 11:2	7:4,5 14:1	82:14	52:20 53:2,6	83:2,17
11:16 17:1	15:18 60:21	**notice** 77:4	53:14,21	**Okay** 8:22
25:5 29:4	70:14 75:6	**now** 39:6 44:8	54:12,17,22	9:18 21:21
41:18 47:4	79:4	64:13 66:2	55:8,15 61:2	23:9 29:10
51:17 58:15	**negotiation**	69:10 73:3	61:3,15	31:12,15
64:13,17	10:19 16:17	75:17 77:16	65:21,22	36:15 39:5
71:13 83:7	60:12 62:21	**number** 37:19	69:20 72:8	40:17 43:2
83:14,14,21	68:12 69:18	67:3 75:18	74:2,12,17	46:21 56:22
	70:19 75:5	76:15 77:6	75:1,2,13,14	57:17,21
——— N ———	77:16 81:5	**NY** 2:17	75:20,21,21	62:13 66:22
N 4:1 5:1	**negotiations**		77:11 78:3	67:4 68:11
Nalven 2:4 4:7	33:8,10 61:5	**——— O ———**	78:13 79:6,7	68:20 69:4
14:16 15:15	**neither** 83:9	**O** 5:1	79:12,13	70:3 72:14
16:7 23:6,12	**net** 23:14,16,17	**oath** 83:6	80:4,5 81:8	75:17 77:8
24:15 25:5	**network** 8:19	**Object** 16:7	**objections** 5:8	77:16 79:18
25:18 31:10	11:9	**objection** 8:11	**obtain** 14:9	80:7 81:17
41:18 44:16	**never** 35:1	9:7,9 10:7,14	69:6	82:13
47:4 51:22	68:9 81:22	12:6,9,16	**occasion** 71:2	**one** 2:5 6:17
61:2 64:16	**new** 2:17 77:4	13:18,20	**October** 33:16	27:2 37:6,8
64:18 80:8	**nine** 11:10	14:6,12,16	33:22 35:20	43:6,9 50:14
82:14	67:14	15:15,16	38:1 45:17	53:1 55:19
name 5:17	**nods** 73:2	16:14 17:7	**off** 12:2,13,20	67:21 69:12
12:11,12	**nor** 83:10,10	21:1,9 23:6,7	12:21 13:3	76:6,16
14:10 15:4	**normal** 51:8	23:12 24:15	13:14 14:10	77:13 80:12
54:2,11,20	**not** 8:14 16:4	24:22 25:5	15:3,10 21:3	**ones** 43:16
55:14 56:10	20:3,10	25:18,22	21:4 25:14	66:19
58:3 64:17	22:11 24:7	26:5,21	25:16 26:3	**one-page** 64:3
nature 60:5	24:16 28:17	27:13,20	26:15,15	**only** 31:17
NDC 77:6	29:12 38:14	28:2,10,16	39:8 44:11	42:14,20
needs 18:16	41:14 42:14	29:5,14,19	51:19 52:14	55:19 60:16
negotiate 11:2	43:22 44:7	30:5,12,21	58:5,6 69:5	66:13 82:12
13:8 20:20	47:22 48:2	31:6,10,11	71:3 75:6	**operated** 81:20
33:11 45:11	48:14 51:4	32:10,16,21	82:8	**operations**
68:17 69:1	52:1 53:3,11	33:15,19	**offer** 7:17,22	6:12 7:1
80:1 81:18	57:11 62:11	34:2,20 35:3	26:19 27:12	**opposed** 75:7

James T. Kenney   September 20, 2004
Wellesley, MA

11

order 21:7	**P**	PBM 17:15,18	24:19	39:22 40:4
31:2 59:8,17	P 1:15 5:1 83:2	18:22 19:7	pharmaceuti...	40:10 43:14
orders 81:22	83:17	19:16 20:5	1:5 77:9 79:2	45:9,22
original 46:15	page 4:11	21:7 22:8,14	Pharmaceuti...	51:12 52:13
other 7:17,22	43:20,22	22:18,20	3:22	53:10 56:8
14:17 20:21	44:3 47:19	23:2,14	pharmacies	57:5,7,8,12
24:8,12 25:3	49:7 51:11	30:22 31:1	6:17 7:11	57:13,14,16
29:7 31:2	51:14 58:10	32:9 49:13	8:15 9:22	57:18,22
35:18 36:21	paid 56:9,19	49:15 51:2	10:5 11:8	58:2,22
37:9 38:12	58:2 72:19	PBMs 18:5	13:17 14:17	59:15,16,21
38:15 48:20	73:20 74:6	20:15,21	18:3 32:15	60:3,8,10,15
48:21 51:2	parameters	24:13	32:20 33:2,8	60:16 63:20
55:19 58:2	55:22	PBM's 49:7,11	34:10 35:13	66:4,7,14,20
59:16 66:16	part 33:4	people 76:9	36:19 39:20	71:18,20
67:8,17 68:6	55:17 67:9	percent 12:7,7	42:15 43:5	72:1,19,22
68:13,18	participate	12:18,19,19	45:19 46:3	73:19 74:4
69:1,12 73:4	68:11,15	12:20 13:7,7	53:12 55:4	80:21 81:15
73:5,11,16,19	participated	14:9,10,10	55:18 66:17	81:20 82:7
73:19 75:18	67:10,13	15:5,9 25:19	67:8,15,18,20	phrase 11:3
76:17 78:21	70:14 71:9	25:19,21	68:6,13 69:2	41:19
otherwise 9:8	participates	46:20,21	69:7 73:4	PHS 18:7,21
14:5 15:14	8:7	54:3,3,5,6,9	74:20,21	19:6,8 20:17
27:5 28:8,13	participating	54:11 55:13	80:17 81:6,7	physician 8:4,6
28:21 29:8,9	69:18	55:14 62:16	81:20 82:6	10:1 35:1
29:18 32:14	particular 8:7	63:10 70:17	82:10,11	41:15,19
our 6:17 23:14	11:19 14:22	percentage	pharmacist 6:8	physicians
28:5 30:22	52:3 58:18	12:13 46:16	6:16 7:9,10	10:12 33:3
63:19 68:18	60:15 62:18	51:16	7:19 42:18	34:17 41:7
out 37:16	69:11	percentages	57:19	47:12 48:9
45:17 71:9	particularly	12:2 42:1,4	pharmacists	55:4
74:19	14:3	44:10	12:5 45:16	Pilgrim 1:12
outcome 83:13	parties 5:3	period 72:14	pharmacy 6:9	1:19 3:9,15
outside 22:14	41:1 83:11	person 67:18	6:11,12,22	5:22 6:2 7:5
over 6:6 11:11	past 32:2 50:10	67:21	7:6 8:9 11:5	7:7,10,10,12
31:9 32:5	patient 34:12	personnel 56:7	11:12,15	8:12 9:4,5,21
51:20 52:19	41:15	perspective	14:9 17:11	9:22 10:2
53:18 54:10	PATTERSON	21:5 22:13	17:19 18:1	12:14 13:4
62:21 64:12	2:13	32:12	24:9 28:5	14:3,21
overlap 37:5	pay 41:15 73:6	pertained	30:16,19	16:11 17:22
own 8:19 52:10	73:13	13:16	33:9,11,14	17:22 18:5
53:16 56:7	payers 73:11	Pharmacare	34:6,15 35:9	20:14,19
67:22 81:21	78:19	18:10 19:15	35:11,15,18	21:6 22:7
owned 7:11	paying 14:18	20:5 22:17	36:5,16 37:3	24:18 25:3
owns 9:22,22	pays 73:9,22	23:5 24:12	37:22 39:16	25:11,16,20

James T. Kenney   September 20, 2004
Wellesley, MA

12

28:20 29:12
29:17 30:11
31:3,8,11,13
31:13 32:4,7
32:13 33:12
33:13,21
34:6,10 35:2
35:7,10,15,19
36:15 37:2
37:16 38:2
38:17 39:6
39:14 40:1,6
40:13 41:4,6
42:15 43:14
45:16,19
46:4 49:20
52:3 53:19
54:2,14 55:3
58:8,9,16
59:9,14,18,20
60:2,21
61:17,22
62:4,7,9,14
63:1,9,12
64:7 65:1,2,6
65:11,13
71:11 80:3
81:6 82:8,12
Pilgrim's
22:12 38:22
45:21 47:13
48:10,15
49:13
place 9:2
placed 81:22
Plaintiffs 2:10
64:13,18
80:13
plan 7:13,17
9:20 17:3,5
17:10,17
20:6,13,20
64:20 65:11
65:12 66:14

66:17 67:5,9
67:15,18
68:13 71:10
76:11 79:5
80:2
Plan's 19:7,16
31:14
play 67:5
please 5:16
16:8 17:20
21:12 25:5
40:18 81:11
plus 15:5 47:15
point 7:20 9:14
16:16 17:16
19:14 20:1,4
20:22 22:10
25:3
position 6:8
7:2,2 29:22
57:15 80:19
positions 6:5,6
81:11
possession
71:11
post 57:1
practice 8:1,3
8:8 9:12,16
practices 68:5
preferential
28:14,21
preferred
27:19 29:12
29:17,21
42:10,12,14
42:21 43:7
prepare 32:2
prepared
58:21
prescription
18:2 66:4
67:6,11,14,19
68:7,12
69:19 72:20

73:6,6,14,22
77:17
prescriptions
6:10,15
prescription-...
79:19
price 1:7 14:4
14:20 16:1,4
48:17 49:9
49:12 51:8
52:16 53:18
54:13 68:9
70:10 75:22
77:7,10 78:7
78:8,10,11,14
78:16,16,18
78:20 79:2
79:10,11,17
80:1
prices 11:17
14:1 15:13
46:17 50:9
50:13,14
51:3 69:5
78:1,6 79:4
pricing 38:6,14
43:4,7 46:5,7
50:2,10
58:12 68:10
68:18
primarily
18:14
prior 17:4,9
18:13 41:19
45:8 58:22
pro 27:18 30:8
problem 37:6
55:17
Procedure
1:15
process 20:18
21:2,7,12
22:19 26:22
31:18,20

37:12,14
38:8,18
44:14 45:15
46:4 47:1
59:6 60:12
processes
20:12
processor 8:13
8:16 18:14
produce 63:20
produced
63:16
producing
63:21 64:3
product 7:18
7:22 52:10
58:13,14
62:10 78:12
production
77:20
products 21:15
27:3 30:7
34:4,8,13
36:22 41:14
43:18,20,21
46:12 58:19
69:7 78:2
79:3
program 17:1
17:5 22:2,7
23:2,4 25:8
26:7,13 31:8
34:22
programs 8:17
8:19 18:7,12
18:18,21
34:14
Prolastin 63:6
63:10
proposal 28:14
37:22 38:22
46:5,7
proposals
26:18 27:11

provide 8:5
10:1 28:14
28:20,20
30:10 31:3
56:16 59:17
61:1
provided 24:9
34:12 35:7
48:14 51:20
59:8 77:22
provider 37:6
45:9 60:20
providers
36:16 37:3
45:17
provides 59:13
providing 30:9
35:14
provision 37:3
provisions
1:15
Public 1:16 5:6
83:2,18
publish 75:22
published 16:4
52:16 76:15
publishers
76:2
purchase
10:19 11:13
15:19 55:12
58:3 67:6,10
67:13,19
81:13,13
82:2,8
purchased
10:8 11:18
12:22 13:5
14:21 19:8
53:19 66:3
purchaser 53:8
73:19 79:22
purchasers
73:5 77:9

James T. Kenney   September 20, 2004
Wellesley, MA

13

78:21 79:3	69:14,21	17:10 23:18	4:3 80:10	8:14 60:5
79:21,22	70:2,22	24:3 25:11	**refer** 31:12	63:2
purchases 68:6	**rate** 41:16	26:14,18	41:10 43:6,8	**relative** 23:1
69:19	42:10,11,12	27:11,17	82:9	83:12
purchasing	42:13,21	29:13 30:10	**reference** 9:20	**relatively** 61:9
54:8 67:22	44:4,6 45:11	32:1 55:5	47:18,21	**remember**
69:7 81:2,21	46:22 52:4	75:5 79:17	72:10 75:16	19:4 65:4
purports 39:22	52:11 60:22	**rebating** 21:12	**references**	67:2 69:8
40:5	61:11 62:6	21:17 23:4	49:11	72:20 75:7
pursuant 1:14	62:13,18,19	**recall** 8:12,21	**referred** 72:22	**renegotiated**
put 28:6	62:20,21	9:10 18:7	**referring**	46:12,18
p.m 82:16	63:13 82:1	19:3,10,13,20	30:15 31:13	**repeat** 17:20
	rates 41:6	24:2,7,16	47:16 49:8	26:11
Q	42:20 44:8	25:6,15	51:10 82:10	**rephrase** 57:11
qualify 18:13	44:12,22	37:19 38:16	**refers** 49:7,9	**replace** 19:6
question 10:11	45:8 46:8,13	38:21 49:16	**reflected** 44:9	**replaced** 18:21
13:13 16:8	46:17 61:12	51:4 62:17	**regard** 43:9	19:15 20:5
17:20 18:15	74:5,6,9,13	63:13,21	**registered** 1:17	**reported** 83:6
26:11 28:17	74:14,22	64:3 70:1	57:19	**Reporter** 1:16
29:4 31:16	**rather** 22:8	76:10	**regular** 64:7	1:17,18
40:18 41:20	26:15	**recalling** 69:11	64:10	**represent** 42:6
43:9 44:19	**rationale** 37:7	**receipt** 5:5	**regularly** 77:8	42:8 44:10
47:10 48:1	**re** 1:5	**receive** 17:10	**reimburse**	44:11 64:18
50:18 51:17	**reaching** 23:10	25:20 42:19	35:10 41:7	**representative**
52:1 53:7	**read** 5:3 42:4	76:22 77:14	41:13 58:17	27:1
54:7 58:15	**ready** 40:18	77:18	59:1 62:7,14	**represented**
60:2,19 61:9	**really** 6:18	**received** 13:4	63:9	54:10
72:16 75:7	11:4 55:21	25:16 39:1	**reimbursed**	**represents**
80:12	56:5 70:18	76:1 78:5,18	44:4 47:13	53:17 78:15
questioning	**Realtime** 1:17	78:20 79:1	48:16	**request** 26:17
64:12	**REARDON**	**Recess** 39:9	**reimbursem...**	27:10 37:22
questions	3:3	**recollection**	16:10 35:7	38:22 63:19
12:17 80:13	**reason** 30:3,17	11:17 12:1	35:14 42:19	**requested** 22:3
82:13 83:8	30:18 52:3,9	25:13 70:18	44:12 46:17	46:5 61:1
quid 27:18	73:20	**record** 5:17	46:22 52:4	62:19 68:18
30:8	**rebate** 13:9,13	9:19 21:3,4	52:12 58:14	**requesting**
quo 27:18 30:8	13:16 17:1,2	39:7,8 40:8	58:17 60:22	27:17
	17:5 21:14	45:14 51:15	61:11,12	**reserved** 5:10
R	22:2,4,7,13	58:5,6 69:16	62:6,13,18,19	**reserving**
range 12:2	23:1 24:19	83:7	63:6 74:5	64:13
15:2 25:15	25:7,21 26:3	**RECROSS** 4:3	81:6	**respect** 8:22
37:4 51:16	26:6,13 27:2	**Redbook** 76:2	**related** 83:10	10:10,11
51:19 54:19	31:3,8 75:6	76:9,12	**RELATES** 1:9	12:11,22
69:5,5,10,12	**rebates** 16:17	**REDIRECT**	**relationship**	13:4 14:19

James T. Kenney
Wellesley, MA

September 20, 2004

14

16:9 26:18 27:11 37:8 38:13,14,18 44:2,8 45:14 51:2 54:20 60:22 68:5,6 68:12 74:4 75:4 79:3 80:13 81:12	3:19 role 11:2,11,16 17:1 67:5 81:11,15,17 82:4 roles 11:12 roughly 46:16 RPR 83:17 Rule 1:15 Rules 1:15 run 9:1,15	46:9 47:5,21 51:9 school 57:1,8,9 57:12,14 Scrip 59:15,16 59:21 Script 63:9 Scripts 63:3,11 seal 83:14 sealing 5:6 second 39:19	servicing 23:22 set 11:19 25:7 33:3 44:4,13 44:22 46:22 49:9,13,19 51:3 52:3,19 53:1 62:18 74:7,13 76:3 83:14 sets 50:19	slightly 27:16 sole 60:20 Somavert 63:6 63:11 some 9:14 20:1 29:12,20 56:3 68:22 something 47:17 Sometimes 27:21 77:2
respective 5:3 responded 72:15 response 38:15 46:6 responses 37:18,21 38:21 responsibilit... 6:5,9,11 57:4 responsibility 6:17 32:8 68:20,21 responsible 59:7 67:19 67:22 80:14 81:4 restricted 82:11 retain 24:21 32:4 reviews 40:17 44:17 47:7 48:5 62:3 RFP 37:16 46:6 right 29:7 35:16 41:22 42:2,3,9,11 44:5 54:4 55:7 64:13 68:3 risk 13:5 RMR 83:17 Road 1:20 3:11	S	42:3,10 43:18,22 44:4 seek 81:10 select 8:6 20:21 21:8 34:13 46:12 selected 45:10 45:12,16 self-administ... 62:10 sell 9:8 78:1,2 selling 51:8 sells 78:11 send 37:16 separate 13:9 65:19 Separately 68:2 September 1:21 83:4,15 series 39:6,15 40:9 41:22 50:14 service 36:22 37:6 38:4 45:6 services 8:6 10:1 34:12 38:5 39:17 40:4 59:8,14 59:17 63:2 64:4	setting 50:12 52:12 shall 5:3 sheet 77:5 shipped 41:14 SHOOK 3:17 Shorthand 1:16 should 80:1 show 41:5,10 shown 43:19 sign 5:4 signed 62:20 significant 53:18,22 significantly 55:6 signing 5:5 similar 22:19 24:14 51:13 Similarly 10:10 simply 58:15 since 7:2,20 31:9 43:6 56:1 70:6 sit 71:5 site 68:1 sites 82:2 Sitting 53:4 situation 28:7 28:12,19 29:11 30:4 situations 29:7	somewhere 37:20 70:2,3 sorry 17:15 sort 23:9 56:1 71:2 78:5 sources 75:19 76:16,17,20 speak 55:18 special 34:6 specialized 36:20 specialty 33:11 33:14 34:10 34:15 35:9 35:11,13,15 35:18 36:16 36:19 37:3 37:20,22 42:15,18 43:5,13,21 45:4,9,16,18 52:13 60:8 60:15 63:2 63:20 64:4 74:4 specific 49:10 specifies 41:13 Square 67:1 ss 83:2 staff 6:8,13 7:9 7:9,14,16,19 7:22 8:22 9:5 9:15,19 10:5

S 2:4 4:9 5:1,1
safe 28:13
said 24:3 30:14
31:16 48:2
66:3 70:17
72:6 73:18
73:20 83:6,8
same 6:17
10:16 23:15
36:1,7 37:7
38:17 41:15
75:21 82:6
satisfactory
38:14
saw 68:9,10
say 7:4,9 9:14
9:19 11:22
22:8 23:16
24:17 27:14
28:7 29:15
31:19 34:22
35:12 36:9
46:21 53:17
54:7,18
61:10 70:3
71:20 72:11
79:14,15
81:1
says 58:13 77:6
schedule 41:12
41:21 43:4

James T. Kenney   September 20, 2004
                          Wellesley, MA

15

10:15,21	41:19 42:17	62:1	48:1,2,2,7,13	**think** 50:6
11:9,13,16,20	45:20 47:11	**telling** 48:13	48:20 51:16	55:17 71:14
12:4,15 13:1	48:8 62:8	**term** 15:21	51:19 52:2	72:6
13:6,11 14:2	63:11	49:3 51:6	56:8 57:8,11	**thinking** 77:3
14:22 15:8	**supplier** 42:14	52:14	57:15 59:5	**third** 39:3,21
15:20 16:10	45:1,4 52:11	**terms** 18:17	62:21 65:5	**third-party**
81:14,19	**suppliers** 50:5	48:3 57:3	67:8 74:21	8:13 73:11
stamp 51:11	50:6	81:21	77:5 83:4	76:20 78:19
stamped 39:17	**supply** 34:17	**testified** 5:13	**thereto** 52:6	**thirty** 5:4
39:21 40:2,7	62:5	54:1 55:20	**there's** 28:19	**Thomas** 5:18
51:14 61:18	**sure** 8:14 20:3	56:2	41:21 42:3	**those** 6:6 10:13
standard 52:4	26:12 27:14	**testify** 55:10	**these** 12:17,17	11:3 15:13
stands 18:8	28:17 44:7	**TESTIMONY**	14:1 20:15	25:12,16
49:5	45:14 52:1	4:3	34:8 40:22	27:9,10 38:8
start 18:18	53:3,15 54:1	**than** 7:22 22:8	42:16 43:10	40:19 42:5
started 7:20	62:12 80:6	23:4 26:15	44:1,8,9,12	43:21 44:22
Starting 41:3	**switch** 59:20	29:7 43:6	46:22 47:5	45:8 55:13
state 5:16	**sworn** 5:12	46:20 48:21	51:17	58:18 64:6,9
states 1:1 40:4	83:5	50:5 61:12	**they** 8:1 18:13	67:20 68:6
status 28:1,3,4	**Synergyst**	73:19	18:14 19:8	74:9,14
28:21	43:17	**Thank** 80:8	25:14 26:6	77:18 81:19
stenographic...	**system** 31:21	**their** 27:3	26:18 27:11	**though** 29:21
83:6	31:22	30:17 34:11	30:19 34:7	**three** 39:2 50:5
stick 12:12		46:5 51:3,8	34:12 40:15	**through** 6:4
still 6:15 9:1	──── **T** ────	55:6 61:14	40:21 42:8	10:5,9,15,16
44:18 72:1	**T** 1:13 4:5,9	67:22 68:9	44:3,9,10,11	11:15 12:4
Street 2:5 3:5	5:1,1,11	68:10 73:6	45:1,2 51:3	17:11 22:8
66:11	**table** 41:21	77:19,19	56:19 58:12	22:14,22
strike 5:9 73:4	42:1,6 43:10	78:2 79:2,20	58:14,19,21	23:2,4 32:17
subject 79:16	43:13 51:13	**them** 10:8 27:2	59:3,4 60:16	39:18,21
submission	58:12	40:14	60:20,22	40:2,7 44:13
46:15	**tables** 51:17	**then** 6:10,16	61:1 62:19	47:1 57:1
submit 24:14	**take** 31:22	6:22 7:2 32:1	65:14,16,17	61:19 64:1
27:10	35:1,4 40:11	42:2,18 44:3	65:19,20	**Tiffany** 3:18
submitted	40:16 51:9	45:13 57:7	67:22 68:5	**till** 7:21 45:12
62:20	61:21	57:19 58:13	71:10,14,17	**time** 5:10 7:11
subscription	**taken** 39:9	76:11 81:18	74:9,16,18	7:13,20 8:14
76:12	83:11	82:1	75:22 76:6	8:20 9:14
substantive	**talking** 26:7	**there** 16:16	78:1,1 79:20	11:10 13:8
31:17	69:17 72:15	19:14 20:4	79:21 82:7	13:22 14:8
successors	80:20	22:10 24:5	**They'd** 71:17	14:14 15:13
31:14	**Telephone**	28:8 29:11	**they're** 43:22	16:3,16,22
such 25:3	3:17	30:16 42:1	74:11	17:16,21
supplied 41:7	**tell** 40:14 42:5	43:10,12	**thing** 78:17	19:14 20:4

James T. Kenney   September 20, 2004
                        Wellesley, MA

16

20:22 22:6	type 78:17	8:18 13:22	41:2 74:6	17:16 18:14
22:10 24:10	types 34:8	14:8,14		18:14 20:12
24:17 25:4,9	typewriting	15:12,21	**W**	23:17 24:13
26:2,5,6,12	83:7	16:3 30:2	WAC 11:22	25:11,14
27:15 29:20	typically 54:10	49:3,18 50:8	12:3,8,10,13	26:19 27:6
30:2 31:9		50:12,19	12:21 13:3	27:11 29:6
36:1,7 39:1	**U**	51:5 52:14	13:14 15:1,3	35:7,13,14
40:16 45:9	U 5:1	52:22 53:5	15:3,5,6,10	36:18,21
49:15 51:20	Uh-huh 6:14	53:11 55:22	15:21 25:14	38:12,22
70:6 72:15	6:20 8:16	58:16 75:19	25:16 26:4	43:7 44:12
title 6:22 35:1	11:6 12:1	understood	26:15 52:19	44:22 45:1,8
35:5 80:22	15:2,11	54:8 55:4	54:10 55:7	45:18 46:8
titled 39:16,19	17:14 18:9	unique 29:6,8	55:14 69:5	46:12,18
58:11	20:4,18 22:5	UNITED 1:1	71:3 75:7,16	47:9,11 48:1
today 48:13	23:16,19	up 7:8 9:18	wait 18:15	48:2,16
52:13 53:4	24:4 27:4	11:8 25:7,21	waived 5:7	49:19 55:12
70:18 71:5	29:1,3 30:8	45:13 48:7	walk 6:4 57:1	57:3,4 58:1
72:13 80:19	31:12,19	upon 11:19	Waltham	58:19,21
81:15 82:4	32:4 36:4	16:12 24:19	83:15	59:5 60:16
took 23:13	37:21 38:7	35:16 53:8	want 47:18	61:5 63:14
top 42:4 58:12	41:3,17 45:5	53:16 54:8	wasn't 14:4	63:15 64:6
toward 41:22	45:13 46:14	55:2 58:17	29:21 50:18	67:8,8,22
Town 57:13	49:6,11,18	83:6	Watertown	69:4,6,6,10
track 16:11	50:4 51:5	use 23:10	57:13	69:11,11,17
tracking 16:9	53:9,16	49:12 75:16	way 48:7,13,20	70:8,22 72:3
transcribed	56:18 57:6	82:2	50:17 56:1	72:15,18,18
83:6	57:10 62:17	used 49:6 51:6	76:6	73:1,18
transcript 5:4	63:14,21	usual 47:14	ways 77:13	74:16,18
5:6 83:7	69:15 72:5	48:16 51:6	WEBB 2:13	75:4 81:19
transformed	72:21 82:3	utilized 20:19	well 7:12 30:14	weren't 71:1
9:16	ultimate 30:17	20:20 49:19	30:22 31:14	We'd 27:1
trial 5:10	38:13		51:11 52:22	We'll 77:4
true 83:7	under 25:12	**V**	53:16 55:6	we've 20:15
trying 8:12	34:22 41:8	variables	55:10 60:18	39:14 41:4
55:21 56:3,6	42:20 47:8	50:14	Wellesley 1:20	51:10
70:1 81:10	47:10 48:7	various 6:5	3:12	what's 61:21
turn 58:7,10	48:15 61:14	11:12	went 57:7	when 7:4,8,9
64:12	63:8 83:7	versus 23:2	were 6:11 7:9	7:19 9:4,19
two 36:21 37:2	understand	47:22	10:5,18 11:8	15:18 16:20
37:8 42:5	28:17 52:1	very 50:18	11:17 13:3	18:11,18,18
44:9 45:2,16	52:18 75:17	Via 3:17	13:10,13,14	19:2,4,9,18
51:17 67:14	75:22 78:9	Village 36:5,6	13:16 14:1	20:8 22:10
74:20,21	78:10	36:11,20	14:18 15:13	22:16,17,19
TYLER 2:14	understanding	37:9 40:5	15:18 16:11	23:16 25:7

James T. Kenney   September 20, 2004
Wellesley, MA

17

28:4,5,14	54:13 62:6	60:18 61:9	69:21 71:6	70:18 74:4
29:4,6,8	62:14 66:4,7	**within** 1:18 5:4	71:16 79:14	75:19 77:16
30:14 31:12	66:19 79:17	83:7	79:15,22	**you'll** 58:10
31:19 33:13	82:7 83:11	**witness** 1:13	80:18	**you're** 40:14
35:6,12,22	**while** 17:16	40:17 44:17	**wouldn't** 28:14	55:18 62:1
36:2 49:7,11	57:8,12,14	44:20 47:7	29:16	**you've** 6:5,6
56:20 57:22	68:16	48:5 51:18		78:20
59:20 65:2	**who** 8:6,7,16	62:3 73:2	**X**	
66:2 69:6,10	21:19 35:9	83:14	**X** 4:1,9	**0**
69:17 70:8	39:3 49:15	**Worcester**		**001** 4:13 39:10
70:17 71:20	59:11,13	1:20 3:11	**Y**	**002** 4:15 39:11
72:11,15	60:1 64:22	**words** 31:2	**Yeah** 17:21	**003** 4:17 39:12
73:1,18 82:9	67:18 80:14	**work** 21:16	19:22 33:20	**004** 4:19 39:13
where 8:4	83:5	26:22 57:11	44:20 54:15	**005** 4:21 61:20
28:12,19	**whole** 33:4	64:19 66:16	68:10 70:1	**01CV12257-...**
29:11 30:19	**wholesale** 1:6	**worked** 11:7	**year** 64:20	1:3
41:10 56:12	15:21	17:21 21:19	**years** 6:3,7	**02142** 2:7
56:14 57:3	**wholesaler**	55:19 56:17	9:13 11:12	**02199** 3:6
66:10 71:14	10:9,17 16:2	57:4,5,8,13	20:9 69:17	**02481-9181**
whereby 9:21	**wholesalers**	57:18,19	69:22 70:4	3:12
45:15 58:2	10:20 14:20	66:2,5,9,14	70:15,19	**03** 36:3,8
WHEREOF	14:21 15:4,8	68:22 69:8	71:10 72:17	
83:14	15:19 53:13	**working** 68:16	**York** 2:17	**1**
Whereupon	53:20 54:3,9	70:8 71:9	**your** 5:16 11:1	**1** 25:19 39:7,15
82:15	80:15 81:3	**works** 43:3	11:11,13,17	40:9,13 41:5
wherever 28:8	81:14	**would** 6:4	12:1 13:22	46:10 64:1
whether 8:18	**whom** 5:21	11:22 15:14	14:8,14	**1st** 33:16
16:4 22:6,11	**why** 30:3 36:15	19:22 20:21	15:12,20	**10** 63:10 70:17
24:18 28:18	37:1 45:3	22:12 23:3	16:13,22	**10:50** 1:22
28:19 40:14	48:2 51:19	24:20 27:22	17:9 21:11	**10036-6710**
41:14 48:13	52:3 56:1	28:4,7,20	22:22 25:2	2:17
56:8 72:18	58:16 59:1	29:15,20	25:13 30:2	**1133** 2:16
75:5	74:11,15	30:3,10,19	32:12 33:9	**12** 62:16
which 12:3	75:12 79:15	31:3,15	40:16,18	**12:50** 82:16
13:14 15:3,7	**will** 5:16 21:7	33:16,20	49:3 50:8,12	**14** 54:18
20:13,21	31:22 34:13	34:5 35:1	50:18 51:5	**16** 70:3,14,19
21:7 27:5	41:13 77:5	37:7 42:14	52:14,22	71:10
29:7 32:13	77:10	42:19 43:6,8	53:8,10,16	**1611** 66:11
37:12 41:4,6	**willing** 26:19	44:3 45:3,19	54:8 55:2,11	**18** 54:11
42:1 43:11	27:12	47:13 54:15	55:22 56:22	**19** 70:4,15,19
43:13,16,17	**withdraw**	54:18,19	57:2,4,15	71:10
44:5 45:6,22	10:11 13:13	55:6 59:1	63:18 64:22	**1969** 56:21
50:14 51:10	37:1 43:12	60:19 61:8,9	65:3,6 68:20	58:1
53:12,19	47:10 60:1	68:22 69:1	68:20 70:13	**1970** 56:21

James T. Kenney   September 20, 2004
Wellesley, MA

18

58:1	4:19	**559-2246** 3:21		
1980 64:21	**398** 40:7			
1988 7:1 16:21	**398-416** 4:19	**6**		
17:4 26:7,8	39:13	**6** 1:15		
26:10,13		**60** 12:7 14:10		
31:9,11	**4**	55:14		
1990 19:5	**4** 39:15 40:13	**61** 4:21		
1990s 80:16	54:3 74:8	**617** 2:8 3:7,13		
81:4,12	**4th** 2:6	**64** 4:7		
1998 17:9	**4/21/2007**	**64108** 3:20		
21:12 25:8	83:22			
26:7	**416** 40:7	**8**		
	417 40:2	**80** 4:6 13:7		
2	**417-439** 4:17	15:9		
2 12:7,18,19,20	39:12	**800** 3:5		
14:9 15:5	**426** 58:10	**816** 3:21		
39:7,15	**439** 40:3	**85** 70:1		
40:13 54:3,5	**449** 39:17	**859-3600** 3:7		
54:6,9 55:13	**449-489** 4:13	**86** 70:1		
20 1:21 37:20	39:10	**87** 70:2		
37:21 38:9	**459** 47:19 49:7	**88** 18:13 26:9		
38:12 45:17	**461** 41:11			
20th 83:4,15	51:11	**9**		
2000 7:21 20:9	**482-3700** 2:8	**9th** 51:12		
20:11	**488** 51:14	**90** 25:19,21		
2002 33:17	**489** 39:18	70:17		
34:1 35:20	**490** 39:21	**90s** 19:21 20:1		
38:1 45:18	**490-535** 4:15	20:2,2 81:17		
52:13	39:11	**93** 1:20 3:11		
2003 38:19		**95** 46:21		
2004 1:21	**5**	**98** 26:7		
51:12 83:4	**5** 4:6 46:20			
83:15	61:18,22			
212 2:18	64:1			
23 54:11,18	**50** 12:7,18,19			
24 6:3,6	12:20 13:7			
2555 3:19	14:10 15:9			
	55:14			
3	**509-7252** 3:13			
3 39:7,15 40:13	**535** 39:21			
58:8 74:8	**536** 61:19			
30 1:15 5:5	**536-544** 4:21			
336-2222 2:18	61:20			
39 4:13,15,17	**544** 61:19			

James T. Kenney   September 20, 2004

Wellesley, MA

22 (Pages 82 to 83)

82

1   negotiated a contract rate, then it was made
2   available to the sites for purchase or for use.
3   Q. Uh-huh.
4   A. His role today, he continues to negotiate
5   contracts on behalf of the closed-clinic
6   pharmacies. And it's the same basic arrangement.
7   Each pharmacy chooses which drugs to buy. They
8   purchase off of the Harvard Pilgrim contract.
9   Q. When you refer to "closed-clinic
10   pharmacies," what are you referring to?
11   A. The pharmacies that are restricted to
12   Harvard Pilgrim members only.
13   MR. HAAS: Okay. No further questions.
14   MR. NALVEN: Nothing further.
15   (Whereupon the deposition ended at
16   12:50 p.m.)
17
18
19
20
21
22

83

1   Commonwealth of Massachusetts
2   Middlesex, ss.
         I, P. Jodi Ohnemus, Notary Public
3   in and for the Commonwealth of Massachusetts,
4   do hereby certify that there came before me
     on the 20th day of September, 2004, the deponent
5   herein, who was duly sworn by me; that the ensuing
6   examination upon oath of the said deponent was
     reported stenographically by me and transcribed
7   into typewriting under my direction and control;
     and that the within transcript is a true record of
8   the questions asked and answers given at said
9   deposition.
         I FURTHER CERTIFY that I am neither
10   attorney nor counsel for, nor related to or
11   employed by any of the parties to the action
     in which this deposition is taken; and, further,
12   that I am not a relative or employee of any
13   attorney or financially interested in the outcome
     of the action.
14   IN WITNESS WHEREOF I have hereunto set my
     hand and affixed my seal of office this
15   20th day of September, 2004, at Waltham.

16   _____

17   _____
         P. Jodi Ohnemus, RPR, RMR, CRR
18   Notary Public,
19   Commonwealth
20   of Massachusetts
21   My Commission Expires:
22   4/21/2007

Henderson Legal / Spherion
(202) 220-4158

James T. Kenney

September 20, 2004

Wellesley, MA

1

A

ability 32:13
able 55:13 69:6
about 22:1
  69:4,10,17
  70:22 71:1
  72:3,15
above 12:8
  15:3,6 54:11
  54:13
access 27:19
  28:15
Accredo 33:18
  33:20,22
  34:16,17
  35:20 36:9
  37:13 38:2
  39:16 40:10
  41:1,3,7,13
  42:19 43:8
  43:11,13,20
  47:12 48:8
  48:14 49:12
  51:12 61:13
Accredo's
  47:14 48:16
accurate 47:8
  47:11 63:8
acquire 10:4
  10:13 53:12
  55:5,13
acquired 12:3
  12:14 13:15
  14:19 15:3,7
  35:8 54:2,16
acquisition
  15:22
across 38:8
action 64:19
  83:11,13
ACTIONS
  1:10
actual 71:8
  77:19 78:6

78:11
actually 30:22
  43:19 57:11
  78:2
address 67:1
administered
  10:12 13:11
  13:17 18:3
  35:2,8 48:9
administrati...
  17:19 18:2
  34:18 45:20
  47:12 62:8
affect 69:1
affixed 83:14
afforded 61:12
after 6:22
  23:18 45:2
  46:15,18
  57:20
again 15:12
  19:10,19
  20:10 25:2
  40:18
ago 9:13 20:9
  70:4,15,19
  71:10 72:17
agree 54:19
  60:19 61:8
  61:10
agreed 5:2,8
  41:6 62:7,14
  63:9
agreement
  39:17,20,22
  40:3,4,10
  41:5,8 47:8
  47:10 48:8
  48:15 49:6
  51:7,12 52:5
  61:14 62:4
  63:8
agreements
  13:9 39:15

63:20
all 1:10 5:8
  10:18 12:16
  12:17 27:9
  32:2 33:1
  38:9 43:17
  43:18,19
  46:8 52:4
  55:18 59:7
  62:18 63:15
  64:6,9 69:13
  75:15 79:3
  81:21
allow 34:6,10
  37:5
allowable 49:5
also 6:15 36:7
  40:9 42:17
  63:1 64:3
  72:18 78:20
although 62:11
always 28:19
  29:2
am 56:4 83:9
  83:12
amendment
  51:11
amendments
  40:9 52:5
Americas 2:16
amount 16:13
  31:3 33:3
  35:16 58:15
  59:2,6 63:10
amounts 55:13
analysis 8:17
  8:19 18:7,12
  18:18,21
  22:5,11,22
  23:10 24:14
  24:20 25:3
Andrea 59:12
annexed 40:10
another 42:3

42:17 60:8
  72:19 76:6
answer 8:11
  12:6 31:16
  44:21 48:4
answered
  73:21 75:9
answers 83:8
any 7:17,20,22
  11:19 14:8
  14:17,22
  16:4 17:5,10
  17:11,16,21
  19:2 20:12
  20:15,21
  22:5 23:22
  24:8,8,12
  25:3 26:2,14
  26:17 29:11
  38:12 42:16
  43:10,12
  44:1 47:5,9
  47:11 48:1,7
  48:8,13,16,20
  49:22 51:1,2
  53:4 58:1
  59:13,16
  60:1 62:21
  65:16 67:8
  68:4 71:2
  73:4,5,19
  76:1 81:22
  83:11,12
anybody 73:21
anyone 21:16
  21:21
anything 24:5
anywhere 56:9
  71:19
apologize 56:6
  57:12
Apothecaries
  36:11
Apothecary

36:6 37:10
  40:5 41:2
  74:6
APPEARAN...
  2:1 3:1
applicable
  1:15
apply 37:7
April 51:12
aren't 65:14,20
  74:9
around 19:5
  20:9,10
  37:20 58:18
arrangement
  82:6
arrive 60:14
aside 7:16
  24:12 35:19
  57:21
ask 18:16
  27:16 35:6
  40:11 50:17
  51:9 52:2
  53:7 54:6
  61:21 79:18
asked 27:2
  28:18 47:20
  47:22 48:3
  69:4,10
  70:22 71:1
  72:3,18 75:4
  83:8
asking 55:18
  56:1
assistant 6:10
  6:16,18
associated 24:1
as-needed
  34:18
Athol 56:13,15
  57:5,22
  72:22 73:19
attorney 83:10

James T. Kenney   September 20, 2004
Wellesley, MA

2

83:13	56:22 70:6	50:17 59:3	79:4	**C**
attorneys	70:10	60:19 73:21	**between** 5:2	**calculate** 31:2
63:19	**background**	74:13,19	7:5 14:9 40:1	32:1
attributes 38:8	56:22	79:16	58:9 62:4	**calculated**
automate	**BACON** 3:17	**become** 65:3,6	70:3 74:21	23:13 25:12
31:17,19	**Bank** 52:17	**been** 5:12 6:1	**bid** 46:18	50:9
available 14:5	75:18 76:18	19:22 33:1,6	74:19	**calculating**
15:14 82:2	**based** 11:19	40:12 48:9	**bidding** 21:6	26:14
Aventis 3:22	14:22 16:12	51:10 56:8	37:14 38:7	**calculation**
Avenue 2:16	24:19 33:4,4	58:7 61:21	38:18 44:14	26:3
average 1:6	35:13,16	63:22	45:15 47:1	**called** 1:13
50:2,7 71:2,6	36:17 43:4	**before** 1:15 5:5	60:11	**Cambridge** 2:7
72:7	50:5 53:7,16	27:4 59:16	**bids** 26:18	66:9,10,11,11
averages 71:1	54:8 55:2	72:12 83:4	**billed** 59:4	70:8,11
award 74:19	58:17 70:18	**began** 64:19	**billing** 59:6	**came** 83:4
awarded 46:18	72:6 74:22	**beginning**	**Boston** 3:6	**can** 8:11 12:6
aware 20:18	76:14	21:12	**bottom** 47:19	12:16 21:12
21:2 56:7	**basic** 82:6	**behalf** 1:14	**Boylston** 3:5	26:11 31:16
58:1 72:18	**basing** 26:3	13:1 15:20	**brand** 12:11	31:21 35:4
73:3,5,18	**basis** 31:10	55:3 59:17	12:12 14:10	42:5 43:2
AWP 26:4,15	34:19 46:9	71:9 81:3,14	15:4 54:2,10	53:12,22
33:4 35:13	50:8	82:5	54:20 55:14	57:1
35:16 44:11	**basket** 23:13	**being** 56:4	56:10 58:3	**candidates**
44:13 50:14	23:14	**believe** 11:10	**branded** 12:18	38:9,12
51:20 52:14	**Bates** 39:17,20	33:16 36:3	**Brewster's**	**can't** 27:14
52:15,18	40:2,6 51:10	41:12 44:5	57:5,22	42:4
53:1,5,11,17	51:14 61:18	54:1,4 59:15	**broad** 36:21	**capability** 45:7
54:10 55:22	**be** 15:14 22:6	60:7 62:11	37:4	**care** 1:13,20
56:9,19 58:2	22:12 23:3	67:1 80:21	**Brookline** 36:6	3:9,15 5:22
58:13 62:16	29:22 30:16	**BELKNAP**	36:11 37:9	34:12 38:5
63:10 72:19	30:19 33:16	2:13	40:5 41:2	39:4 40:2,6
73:20 75:6	33:20 40:1,5	**below** 12:8,10	61:13 74:6	65:1,2,6,11
75:17 76:2,3	42:14 44:3	15:6 55:7,14	**business** 24:13	65:13 66:3
76:6,19,22	45:17 47:13	58:13	43:5 45:6	71:12
77:7,10,14	50:6 59:4	**benchmark**	64:7,10	**Caremark**
AWPs 50:7	68:18 69:21	11:19,22	74:19	18:10 19:6
72:7 76:14	71:6,17	14:22 16:12	**but** 20:10	19:15
a.m 1:22	74:16,18	52:18	24:19 31:1	**case** 34:13 45:7
	77:5,10	**benefit** 17:11	38:14 47:20	**cases** 68:22
B	78:10 80:18	17:19 18:1,2	48:4 51:13	**catalog** 78:7,10
b 1:15 4:9	**became** 6:22	24:9	65:19 67:21	**categories**
back 7:8 9:18	9:12 16:17	**BERMAN** 2:3	68:22 77:13	36:22
21:11 30:6	22:20 72:12	**better** 22:12	78:9	**Cause** 58:19
45:13 48:7	**because** 47:21	34:3 50:17	**buy** 82:7	**caused** 65:5

James T. Kenney

September 20, 2004

Wellesley, MA

3

central 11:4
certain 20:10
  43:22 77:12
Certified 1:16
  1:17
certify 83:4,9
change 31:17
changed 31:9
charge 45:19
  47:14 48:17
  51:6 79:20
  79:21
charged 16:1
cheaper 38:13
chief 6:16,18
chooses 82:7
Chronimed
  60:3,6,8,10
  60:14,20
  61:6,8,10
  62:4,7,14
circumstances
  27:22 29:16
City 3:20 67:1
Civil 1:15
claim 59:4
claims 8:13,16
  18:14 30:6,9
  30:15,16,20
  31:4 48:19
  48:22
clarification
  81:10
clear 45:14
  69:16
clerk 57:7 58:1
clinically 28:8
  28:13
clinics 10:1
  13:19
closed-clinic
  82:5,9
CMS 50:13,13
  50:19 72:3

72:12,13
collection
  63:15
column 42:1,2
  42:3,3,5,9,10
  42:17,20
  43:7,18 44:5
columns 42:6
  44:9
come 16:16
  19:14 20:4
  22:10
comes 31:1
  75:18
commencing
  1:22
Commission
  83:21
committee
  28:5
Commonwe...
  1:18 83:1,3
  83:19
Community
  7:13,17,21
  8:9 9:1,5,15
  17:2,4,10,17
  17:18 18:11
  18:22 19:7
  19:15 20:6
  20:13,19
  21:6 31:15
  57:20 64:19
  65:10,12
  66:2,13,16
  67:4,9,15,17
  68:13 71:10
  76:11 79:5
  80:2,14 81:3
Community-...
  80:16
companies
  73:16
company 27:2

compare 38:8
compendia
  16:5
competing
  24:13
competition
  74:22
competitive
  27:9 44:14
  47:1 60:11
competitors
  27:6
complete 32:5
compliance
  34:14
components
  23:17
compounded
  58:19
concerning
  72:16 76:3
  78:6 79:1,9
conclude 22:22
concluded
  24:20
conclusion
  23:11
confusing 56:5
connection
  27:17 38:7
  46:4 65:16
consequence
  60:18
consideration
  24:8 26:3,14
considered
  32:7 75:6,10
considering
  24:18
consistent
  54:20
construction
  72:9
consultant

80:21
consumers
  73:13
contain 59:3
context 33:6
  56:16
continues 82:4
contract 8:9
  17:11,18
  18:11,17
  27:2 29:21
  30:3 31:21
  31:22,22
  33:14,22
  34:5,15
  35:12,20
  38:2,5,13
  41:4,12
  45:22 47:17
  58:9 60:6
  62:20 63:5
  68:17 82:1,8
contracted 8:5
  8:13 17:22
  18:5 60:2,10
contracting
  10:19 33:2
  55:2,11 59:7
  80:15 81:5
  81:12,16
contracts 7:3,4
  7:5 11:2,5,14
  17:2 20:15
  21:15 22:4
  25:8,12,17
  33:12 35:14
  35:18 36:10
  36:16 37:2,8
  37:13 38:1
  38:19 39:6
  40:22 69:1
  70:7,14 71:8
  74:5,7 75:15
  80:21 81:18

81:19 82:5
control 32:5,8
  32:13,18
  34:11 83:7
CONT'D 3:1
converted
  22:17
copies 63:20
  64:9
correct 7:15
  10:2 11:11
  14:11 30:11
  31:5,7 35:17
  36:7 42:19
  44:3 47:2
  48:6 67:20
  69:2 70:4,5
  70:20,21
  74:1,3 75:3
  75:11 76:7,8
  76:21 77:15
  78:12 81:7
cost 15:22
  16:13,15
  23:14,16,17
  23:18,20
  24:6 49:5
  53:11
costs 16:9
  34:11 45:18
  55:6 77:19
  77:19 79:20
Cotton 3:10
  21:3
could 14:9
  17:20 28:19
  45:2 55:4
  60:16 79:3
couldn't 19:12
  59:4
counsel 5:2
  64:13 80:13
  83:10
course 64:7,10

James T. Kenney   September 20, 2004
                           Wellesley, MA

4

COURT 1:1	2:9	**determined**	46:13 51:13	**dispense** 60:17
covered 36:10	**day** 83:4,15	45:2 47:1	51:20 53:7	**dispensed** 10:5
36:12	**days** 5:5 70:11	53:5 72:16	65:13 78:19	10:11 11:15
created 26:6	**day-to-day**	74:15,18	**differentiated**	13:10,17
50:1	6:12	**determines**	42:13	16:12 18:3
criteria 45:3	**deciding** 45:21	72:4	**differently**	32:15,19
Cronimed's	**decision** 28:6	**determining**	27:16 35:6	47:9
61:11	**Defendants**	80:1	52:2 54:7	**dispensing** 6:9
CROSS 4:3	1:14 2:20	**develop** 71:2	**differing** 36:18	12:4 24:1
CROSS-EX...	63:16	**did** 7:16,21 8:8	**direct** 4:3 5:14	47:15 58:22
64:15	**define** 32:18	9:4,18 10:4	10:8,16	**dissolve** 9:5
CRR 83:17	35:4 53:22	10:13 12:21	68:21 69:18	**distribution**
CuraScript	**Definitely**	13:8 16:3,11	76:5	63:2
35:21 36:10	19:22	16:16 17:4,9	**directed** 78:19	**distributor**
37:13 38:3	**definitions**	17:17 18:11	**direction** 83:7	43:11
39:20 41:2	50:11	18:18,19	**directly** 8:15	**DISTRICT** 1:1
42:18 61:13	**delegate** 24:18	19:6,14 20:4	56:2	1:2
current 31:14	**delegating**	21:16 22:1,5	**director** 6:10	**doctors** 45:20
64:22 65:6	32:8	22:10,11,16	6:16,19	62:8,11
72:13	**delivery** 38:4	22:17,19,22	**disclosures**	**document** 1:9
currently 5:19	**deponent** 5:3	23:9,15,19,22	46:3	39:16,19,21
70:13 71:11	83:4,6	24:12 25:8	**discount** 12:2	40:17 44:17
73:3,5 81:4	**deposition**	25:20 26:2	12:13,18	47:7 48:5
customary	1:12 5:4 39:7	26:13,17,22	15:6 25:14	58:7 61:18
47:14 48:17	39:14 40:8	27:4,9,18	42:10,11,12	62:1,3
51:6	40:13 41:5	29:12 33:13	42:13,21	**documents**
CVS 57:18,19	46:10 58:8	34:9,15,16	44:6,11,12	40:12,19
73:9	61:18,22	35:9 36:15	52:13 58:13	63:15,22
	63:22 82:15	37:1,1,16,18	71:2	64:6,10
——— **D** ———	83:9,11	38:8,17 46:3	**discounts**	**does** 21:5 32:4
D 3:10 4:1	**describe** 21:13	46:7 57:11	12:21 13:3	32:12 41:5
data 30:6,6,9	**described**	59:16,20	13:14 15:2	41:10 53:11
30:15,16,20	44:14	60:14 63:1,4	25:15 44:13	58:20 72:1
31:1,4 32:1	**DESCRIPTI...**	65:2 66:16	51:16,19	76:11
48:22 52:16	4:11	67:5 68:11	55:5 69:5	**done** 25:3
75:18 76:18	**desire** 34:3	68:15 71:1	**discussed**	27:14 32:2
date 9:10 19:3	**detailed** 48:19	76:9	45:15 47:2	79:4
19:19 20:10	48:21	**didn't** 11:4	**Discussion**	**don't** 8:21,21
33:16 65:4	**determination**	29:2,4 45:11	21:4 39:8	9:10,10
dated 51:12	48:21	52:3 55:10	58:6	14:13,15,17
dates 57:3	**determine**	**differ** 12:21	**discussions**	17:13 18:7
David 2:4	20:20 21:7	46:7	51:1	18:20 19:3
64:18	22:11 27:4	**different** 6:21	**disorders**	19:10,12,12
Davidn@ha...	76:6	6:21 37:2	43:19	19:19,19

James T. Kenney   September 20, 2004

Wellesley, MA

5

24:2 25:6	36:10,12	**easier** 79:10	63:1	**example** 71:22
30:13,17,17	37:4,10 41:7	**economic**	**entered** 20:14	**except** 5:9
32:11 37:19	41:22 42:16	24:20	34:16 35:19	**exchange**
38:16 48:12	43:10,12	**education** 57:2	37:12 38:19	29:13 30:14
49:21 50:16	44:2 45:20	**effective** 22:6	60:11	**exclusive** 42:11
50:20,22	46:16,22	23:3	**entering** 34:5	42:13 43:7,8
53:15 55:9	47:5,9,11	**effectiveness**	37:8	43:11,13,21
59:22 61:4	48:9 51:20	23:1	**entities** 55:19	43:22 44:6
61:16 62:11	52:4,12	**efficacious**	65:13,19	**executed** 64:6
63:13 65:4	53:10,12,19	28:9,13	**entitled** 39:22	**exhibit** 4:11,13
65:16,18	54:2,3,9,11	**ehaas@pbwt...**	42:21	4:15,17,19,21
67:2,21 68:4	54:16,21	2:19	**entity** 31:14	39:10,11,12
71:5,15,17,18	55:12,13,14	**either** 10:8,16	35:9 59:13	39:13 40:8
71:21 72:12	56:19 58:18	10:20 33:2	59:17 60:3	41:5 46:9,10
73:9,21	61:14 66:4	53:12	**equal** 53:11	58:8,11
77:12 79:8	67:6,11,14,19	**elected** 58:16	**equivalent**	61:18,20,22
double 79:21	68:7,12	**electronic** 59:4	28:9 29:9	**Exhibits** 39:7
drug 16:9 18:2	69:11,13	**elements** 38:15	**Erik** 2:15	39:15 40:13
23:20 24:1	72:20 73:6,7	**else** 21:16,19	**ESI** 63:3 64:4	64:1 74:8,8
28:6 29:21	73:14,22	21:21 24:6	**Esq** 2:4,15 3:4	**exist** 28:4,8,15
35:2 36:1	81:2,13,14	73:22	3:10,18	72:1
40:1 41:16	82:7	**employed** 5:19	**establish** 17:1	**existed** 28:3
49:10 56:9	**dual** 74:19	6:1 83:11	**established**	**experience**
56:10 58:3,3	**due** 32:1	**employee**	26:12	34:7,9 53:8
60:7,15,17	**duly** 5:12 83:5	83:12	**establishing**	53:17 54:8
63:6 69:19	**during** 11:20	**employer**	21:17 22:1	55:2 56:8
74:7 77:6,17	19:21,22	64:22 65:3,7	**even** 19:12	**expertise** 36:17
79:19	80:16 81:3	**employment**	29:21	36:18
drugs 10:4,10	81:12	57:2	**event** 37:5 65:5	**Expires** 83:21
10:12,13,20		**encompassed**	**eventually**	**explain** 43:2
11:14,18	———— **E** ————	52:5	38:2 46:8	81:11
12:3,11,12,14	**E** 4:1,9	**end** 18:19	**ever** 22:10	**explore** 55:21
12:22 13:10	**each** 11:4 41:1	69:12	32:7 56:8	**Express** 63:3,9
13:15,16	45:1 52:10	**ended** 18:19	71:1 75:5	63:11
14:2,9,10,19	65:17 67:18	82:15	76:1,9,22	**extended** 81:19
14:20 15:4,7	67:20 68:1	**engage** 21:6	77:17,22	**extent** 42:16
15:20 16:11	81:20 82:7	22:19 38:17	78:18	**externally** 22:8
18:3 23:13	**earlier** 44:15	**engaged** 68:5	**every** 27:14	
23:14 25:20	45:15 47:2	**enough** 62:17	**exact** 19:3	———— **F** ————
27:6,9,10	54:1 55:10	72:14	20:10 37:19	**face** 40:1,4
28:9,13,22	69:4 72:3	**ensuing** 83:5	63:13 65:4	**facilitated** 59:6
29:6,8,9,18	75:4	**enter** 25:8	67:2	**factor** 45:21
32:14,19	**early** 20:2	33:13,22	**examination**	**factors** 50:13
34:17 35:7	81:17	36:15 37:2	80:10 83:6	**fair** 9:14 24:17

James T. Kenney

September 20, 2004

Wellesley, MA

6

Henderson Legal / Spherion
(202) 220-4158

James T. Kenney   September 20, 2004
                           Wellesley, MA

7

37:16 38:1	11:4 16:3	**here** 41:1	29:5,14,19	**HPH** 4:13,15
38:17,22	17:5 19:2,22	46:17 53:4	30:5,12,21	4:17,19,21
39:6,14 40:1	25:6 29:22	71:5	31:6 32:10	39:10,11,12
40:6,12 41:4	31:21 32:13	**hereby** 83:4	32:16,21	39:13,17
41:6 42:15	33:1,6 40:12	**herein** 83:5	33:15,19	40:2 41:11
43:14 45:16	43:6 44:18	**hereunto** 83:14	34:2,20 35:3	47:19 49:7
45:19,21	48:9,19	**Here's** 77:6,6,7	36:13 38:10	51:11,14
46:4 47:13	49:18,22	**He'll** 18:16	40:16 42:22	58:10 61:19
48:10,15	50:6 51:1	**He's** 55:19,19	44:18 46:1	61:20
49:13,20	53:1,4 58:12	80:20	46:11,19	**Hypothetical**
52:3 53:19	58:14,15	**high** 57:1	47:16 48:11	79:6
54:2,13 55:3	60:1,6 63:22	**higher** 61:12	48:18 49:1	
57:20 58:8,9	65:16 68:4	**high-cost** 34:3	50:15,21	**I**
58:16 59:8	70:6,10,13	**him** 55:18	51:21 52:7	**idea** 19:2 49:22
59:14,18,20	71:1,16 76:1	80:20	52:20 53:2,6	**identical** 74:9
60:2,21	76:5,12 78:5	**his** 44:18 80:19	53:14,21	74:11,16,18
61:17,22	78:18 79:4,9	80:21 81:11	54:12,17,22	**identified** 74:8
62:4,7,9,14	80:8,12	81:11,15	55:8,15,17	**if** 6:4 12:17
63:1,9,11	83:14	82:4	61:3,15	18:19 27:14
64:7,19 65:1	**having** 5:12	**history** 57:2	65:22 74:12	28:3 34:13
65:2,5,10,12	**HCFA** 50:10	**HMO** 7:14,16	74:17 75:2	40:14 41:11
65:13 66:2	50:11 72:10	7:22 8:2,3,22	75:13,20	43:7,22 46:7
66:13,16	72:11,12	9:6,15,19	78:3 79:7,13	47:18 48:15
67:4,9,14,17	**he** 18:16 48:2	10:6,15,21	80:5 81:8	53:1 56:4
68:13 71:9	81:1,4,22	11:9,13,20	**hormones**	59:5,13 62:1
71:11 76:11	82:4	12:5,15 13:1	43:17	62:2 68:16
79:5 80:2,2	**health** 1:12,20	13:6,11 14:2	**hospital** 78:15	71:19 78:15
80:14,16	3:9,15 5:22	14:22 15:8	**hospitals** 33:3	79:1,18
81:3,6 82:8	7:13,17 9:20	15:20 16:10	78:16	**impact** 79:17
82:12	17:2,5,10,17	80:16 81:15	**how** 6:1 9:18	**impetus** 33:21
Harvard's	19:7,16 20:6	**Horgan** 3:4	10:4,13 11:3	**Inc** 40:5
22:20 24:13	20:13,20	8:11 9:7,9	11:7,8 22:1	**incentives** 24:9
Harvey 3:10	31:13 40:2,6	10:7,14	25:11 26:22	**include** 23:19
Harvey_cott...	64:20 65:1,2	11:20 12:6,9	31:8 34:5,9	23:22 31:15
3:14	65:6,11,11,12	12:16 13:18	34:15 37:18	**included** 24:3
has 17:22 18:5	65:13 66:3	13:20 14:6	38:21 43:2,4	24:6
25:2 31:8	66:13,17	14:12 15:16	44:22 46:7	**includes** 40:9
32:7 35:19	67:5,9,15,17	16:14 17:7	49:19,22	**inclusive** 13:15
48:8,14	68:13 71:10	18:15 21:1,9	50:9,19 51:2	**independent**
51:13 56:8,9	71:12 76:11	23:7 24:22	52:22 53:5	8:9
58:2 60:2	79:5 80:2	25:22 26:5	60:14 62:18	**independently**
79:17	**held** 6:5,6 7:2	26:21 27:13	68:15 72:3	81:21
HASSAN 3:3	**help** 79:22	27:20 28:2	72:16 76:3,5	**indicated** 29:2
have 6:1 8:18	**helps** 41:11	28:10,16	77:8 79:2	**indirect** 56:1

James T. Kenney   September 20, 2004
                          Wellesley, MA

8

industry 1:6	36:15 37:2,8	**J**	18:20 19:9	leverage 60:21
15:14 16:5	37:13 38:19	J 3:4	19:19 29:22	like 72:13
infertility	50:13 60:11	James 1:13 3:4	30:13,17,17	limited 56:2
36:12,21	63:1 83:7	4:5 5:11,18	32:11 48:12	68:21
58:11	invoice 32:2	January 36:3,8	49:21 50:16	list 45:17 49:12
Influence	involved 10:18	38:19	50:20,22	50:19 77:10
32:19	16:17 20:12	job 79:4	53:15,18	78:7,10,10,14
information	33:1,6 61:5	Jodi 1:15 83:2	55:9 59:13	78:16,18,20
23:9 30:6	63:14 81:1,5	83:17	59:22 61:4	listed 41:22
76:1,19,22	involvement	Jr 5:18	61:16 65:18	43:12 44:2
77:14,18,22	11:1 16:22	just 6:9,11,21	67:21 71:5	46:17 47:5
78:5 79:1,9	21:11 33:9	9:11,18	71:15,17,19	51:17
79:19	63:18	12:17 18:15	71:21 72:13	listing 27:19
informational	involves 7:3	22:3 42:4	73:9,13,21	29:13,17
77:5	isn't 79:11	51:10,15	77:9,12	lists 49:19 50:1
ingredient	its 8:19 9:21	57:1 69:13	78:15 79:8	51:3 68:9
23:19	10:5 12:4,15	69:16 80:12	knowledge	70:11
ingredients	13:1,5 15:8	80:20 81:10	16:13 17:9	LITIGATION
59:3,5	16:12 17:11	81:22	25:2 50:10	1:7
injectable 34:4	17:19 18:2		56:2 68:4	LLP 2:3,14
injectible	24:20 31:14	**K**	71:13 76:5	load 31:21
36:10	32:5,17 35:8	Kansas 3:20	known 7:12	located 66:20
instance 57:21	39:22 40:3	Kazarosian	60:3	location 66:8
58:2	45:17 50:13	21:20 80:18		67:5
instances 77:3	50:19 52:10	Ken 21:20	**L**	locations 68:19
instead 26:4	72:19 73:22	80:18 81:22	L 5:1	68:21
insurance	79:5 81:21	Kenneth 21:20	last 6:6 16:8	long 6:1
73:16	IVP 39:4	Kenney 1:13	late 20:2	look 40:11
insurer 8:5	I'd 40:11 48:19	4:5,13,15,17	later 20:13	45:3 48:19
interested	51:15	4:19,21 5:11	lead 59:1	51:9 61:21
83:13	I'll 41:10 64:12	5:16,18	least 50:6	72:13
intern 56:17	I'm 8:12,14	39:10,11,12	led 38:1	looked 70:7,10
57:16,18	17:15 28:17	39:13 40:11	legal 65:16,19	looking 47:18
73:1	31:13 39:5	61:20 63:14	Less 46:20	48:21
internally	40:17 43:22	64:17	lesser 47:14	lower 55:6
16:10 22:7	44:7 47:18	Killoren 3:18	let 7:8 9:18	
22:14 23:2,4	52:1 53:3	kind 6:21 11:7	27:16 35:6	**M**
24:21	55:21 56:1,3	77:5	45:13 50:17	MA 2:7 3:6,12
interrogatori...	56:5 62:11	kinds 78:21	52:2 53:7	MAC 47:15
5:14	70:1 80:6	know 8:21	54:6 56:22	48:17 49:4,7
into 9:16 20:14	81:10	9:10,12	77:9 79:18	49:9,12,12,12
25:8 33:13	I've 7:1	12:17 14:13	letter 64:4	49:19,22
33:22 34:5	i.e 29:8 42:18	14:15,17	let's 12:11	50:9,10,13,13
34:16 35:19	44:13	17:13 18:16	61:17	50:19 51:3,3

James T. Kenney

September 20, 2004

Wellesley, MA

9

72:4,16	25:9 26:15	48:4	16:12 34:18	9:9 10:7,14
made 11:8	26:17 27:5	maybe 12:7	35:8 45:21	11:20,21
28:5 82:1	27:10,18	19:5 20:9	47:13 48:10	12:6,9,16
mail 59:8,17	29:20 30:3,9	72:17	48:15 59:9	13:18,20
mail-order	30:10 31:4	me 6:4 7:8 9:18	59:14 62:9	14:6,12,16
59:14	33:2 53:13	21:13 27:16	63:12 79:5	15:15,16
Main 2:5	53:20 55:3,5	30:22 35:6	80:2,3 82:12	16:7,14 17:7
maintain 64:9	55:11,12	40:14 42:5	mentioned	18:15 21:1,3
make 45:13	75:16 77:9	43:2 45:13	20:16 44:6	21:9 23:6,7
46:3	77:17,18	50:17 52:2	57:22	23:12 24:15
makers 79:19	78:6 79:2,10	53:7 54:6	merger 7:21	24:22 25:5
makes 47:21	79:16 80:15	56:16,21,22	65:10	25:18,22
making 23:10	81:2,13,18	57:2 58:7,10	Merit 1:17	26:5,21
48:20	manufactures	60:19 61:8	met 22:3	27:13,20
Mall 67:2	77:1	61:10 62:1	Middlesex	28:2,10,16
manage 22:6	many 11:8	79:18 81:11	83:2	29:5,14,19
22:13 23:3	37:18 38:21	83:4,5,6	mind 44:19	30:5,12,21
34:3	43:4	mean 31:20	minus 62:16	31:6,10
management	mark 39:5	35:4 58:20	63:10	32:10,16,21
34:13 38:5	61:17	61:16 71:17	minute 56:21	33:15,19
45:7	marked 39:10	71:20,21	MO 3:20	34:2,20 35:3
management...	39:11,12,13	72:11 77:12	model 7:14,16	36:13 38:10
45:7	39:14 40:12	Meaning 72:12	7:22 8:1,2,3	39:5 40:11
manager 7:1	41:4 46:10	Medford 66:20	8:4,8,22 9:6	40:16 41:18
17:12 18:1	58:8 61:20	67:2,4 68:16	9:12,15,16,19	42:22 44:16
24:9	61:22 63:22	70:8,11	10:6,15,21	44:18 46:1
managing 6:12	market 15:13	71:22	11:9,13,16,20	46:11,19
6:13 23:1	marketplace	medication	12:5,15 13:1	47:4,16,20
manually 32:3	14:5	77:4	13:6,11 14:2	48:11,18
manufactured	markup 12:2	Medications	14:22 15:8	49:1 50:15
58:21	12:13 52:19	58:11	15:20 16:10	50:21 51:15
manufacturer	53:18 54:4,6	MedImpact	38:4,4 45:6	51:21,22
10:9 13:9	54:9,11,19	18:10 20:5	81:15,19	52:7,20 53:2
16:1 27:7	Mass 67:2	22:20 49:17	moment 12:12	53:6,14,21
68:17 78:11	Massachusetts	49:19 51:2	Monday 1:21	54:12,17,22
manufacture...	1:2,19,21	Medi-Span	more 22:6 23:3	55:8,15,17
7:7,8 10:20	56:13,15	76:2	43:6 47:20	58:5 61:2,3
11:3,14,18	57:14 66:9	Meds 59:19,21	50:5 79:9	61:15,17
12:4,14 13:5	66:12,21	meet 27:1 45:2	morning 64:17	63:14 64:12
13:10,15	83:1,3,20	76:9	most 34:7	64:16,17
14:2,4,11	matter 63:16	meeting 27:4	54:20	65:21,22
15:19 16:18	64:1	member 35:2	motions 5:9	69:20 72:8
17:6 21:14	maximum 49:5	members 8:6	Mr 4:6,7 5:15	74:2,12,17
22:3 24:5	may 30:16	9:21 10:2	5:16 8:11 9:7	75:1,2,13,14

James T. Kenney

September 20, 2004

Wellesley, MA

10

75:20,21	82:4	71:13 73:18	36:13 38:10	27:18,22
77:11 78:3	**negotiated**	76:10 80:6	41:18 42:22	29:12,17
78:13 79:6,7	11:5,13	83:12	44:16 46:1	**offered** 68:18
79:12,13	20:14 21:14	**Notary** 1:16	46:11,19	75:15
80:4,5,8,11	40:22 45:1,8	5:5 83:2,18	47:4,16	**offers** 9:21
81:8 82:13	46:8 52:10	**note** 25:5	48:11,18	**office** 83:14
82:14	70:7 74:13	41:18 47:4	49:1 50:15	**offices** 1:19
multiple 36:22	82:1	51:16 58:11	50:21 51:21	10:12
36:22 59:3,5	**negotiating** 7:3	**nothing** 80:8	51:22 52:7	**Ohnemus** 1:15
my 6:11 11:2	7:4,5 14:1	82:14	52:20 53:2,6	83:2,17
11:16 17:1	15:18 60:21	**notice** 77:4	53:14,21	**Okay** 8:22
25:5 29:4	70:14 75:6	**now** 39:6 44:8	54:12,17,22	9:18 21:21
41:18 47:4	79:4	64:13 66:2	55:8,15 61:2	23:9 29:10
51:17 58:15	**negotiation**	69:10 73:3	61:3,15	31:12,15
64:13,17	10:19 16:17	75:17 77:16	65:21,22	36:15 39:5
71:13 83:7	60:12 62:21	**number** 37:19	69:20 72:8	40:17 43:2
83:14,14,21	68:12 69:18	67:3 75:18	74:2,12,17	46:21 56:22
	70:19 75:5	76:15 77:6	75:1,2,13,14	57:17,21
N	77:16 81:5	**NY** 2:17	75:20,21,21	62:13 66:22
N 4:1 5:1	**negotiations**		77:11 78:3	67:4 68:11
Nalven 2:4 4:7	33:8,10 61:5	**O**	78:13 79:6,7	68:20 69:4
14:16 15:15	**neither** 83:9		79:12,13	70:3 72:14
16:7 23:6,12	**net** 23:14,16,17	**O** 5:1	80:4,5 81:8	75:17 77:8
24:15 25:5	**network** 8:19	**oath** 83:6	**objections** 5:8	77:16 79:18
25:18 31:10	11:9	**Object** 16:7	**obtain** 14:9	80:7 81:17
41:18 44:16	**never** 35:1	**objection** 8:11	69:6	82:13
47:4 51:22	68:9 81:22	9:7,9 10:7,14	**occasion** 71:2	**one** 2:5 6:17
61:2 64:16	**new** 2:17 77:4	12:6,9,16	**October** 33:16	27:2 37:6,8
64:18 80:8	**nine** 11:10	13:18,20	33:22 35:20	43:6,9 50:14
82:14	67:14	14:6,12,16	38:1 45:17	53:1 55:19
name 5:17	**nods** 73:2	15:15,16	**off** 12:2,13,20	67:21 69:12
12:11,12	**nor** 83:10,10	16:14 17:7	12:21 13:3	76:6,16
14:10 15:4	**normal** 51:8	21:1,9 23:6,7	13:14 14:10	77:13 80:12
54:2,11,20	**not** 8:14 16:4	23:12 24:15	15:3,10 21:3	**ones** 43:16
55:14 56:10	20:3,10	24:22 25:5	21:4 25:14	66:19
58:3 64:17	22:11 24:7	25:18,22	25:16 26:3	**one-page** 64:3
nature 60:5	24:16 28:17	26:5,21	26:15,15	**only** 31:17
NDC 77:6	29:12 38:14	27:13,20	39:8 44:11	42:14,20
needs 18:16	41:14 42:14	28:2,10,16	51:19 52:14	55:19 60:16
negotiate 11:2	43:22 44:7	29:5,14,19	58:5,6 69:5	66:13 82:12
13:8 20:20	47:22 48:2	30:5,12,21	71:3 75:6	**operated** 81:20
33:11 45:11	48:14 51:4	31:6,10,11	82:8	**operations**
68:17 69:1	52:1 53:3,11	32:10,16,21	**offer** 7:17,22	6:12 7:1
80:1 81:18	57:11 62:11	33:15,19	26:19 27:12	**opposed** 75:7
		34:2,20 35:3		

Henderson Legal / Spherion
(202) 220-4158

James T. Kenney
Wellesley, MA
September 20, 2004

11

order 21:7	**P**	PBM 17:15,18	24:19	39:22 40:4
31:2 59:8,17	P 1:15 5:1 83:2	18:22 19:7	pharmaceuti...	40:10 43:14
orders 81:22	83:17	19:16 20:5	1:5 77:9 79:2	45:9,22
original 46:15	page 4:11	21:7 22:8,14	Pharmaceuti...	51:12 52:13
other 7:17,22	43:20,22	22:18,20	3:22	53:10 56:8
14:17 20:21	44:3 47:19	23:2,14	pharmacies	57:5,7,8,12
24:8,12 25:3	49:7 51:11	30:22 31:1	6:17 7:11	57:13,14,16
29:7 31:2	51:14 58:10	32:9 49:13	8:15 9:22	57:18,22
35:18 36:21	paid 56:9,19	49:15 51:2	10:5 11:8	58:2,22
37:9 38:12	58:2 72:19	PBMs 18:5	13:17 14:17	59:15,16,21
38:15 48:20	73:20 74:6	20:15,21	18:3 32:15	60:3,8,10,15
48:21 51:2	parameters	24:13	32:20 33:2,8	60:16 63:20
55:19 58:2	55:22	PBM's 49:7,11	34:10 35:13	66:4,7,14,20
59:16 66:16	part 33:4	people 76:9	36:19 39:20	71:18,20
67:8,17 68:6	55:17 67:9	percent 12:7,7	42:15 43:5	72:1,19,22
68:13,18	participate	12:18,19,19	45:19 46:3	73:19 74:4
69:1,12 73:4	68:11,15	12:20 13:7,7	53:12 55:4	80:21 81:15
73:5,11,16,19	participated	14:9,10,10	55:18 66:17	81:20 82:7
73:19 75:18	67:10,13	15:5,9 25:19	67:8,15,18,20	phrase 11:3
76:17 78:21	70:14 71:9	25:19,21	68:6,13 69:2	41:19
otherwise 9:8	participates	46:20,21	69:7 73:4	PHS 18:7,21
14:5 15:14	8:7	54:3,3,5,6,9	74:20,21	19:6,8 20:17
27:5 28:8,13	participating	54:11 55:13	80:17 81:6,7	physician 8:4,6
28:21 29:8,9	69:18	55:14 62:16	81:20 82:6	10:1 35:1
29:18 32:14	particular 8:7	63:10 70:17	82:10,11	41:15,19
our 6:17 23:14	11:19 14:22	percentage	pharmacist 6:8	physicians
28:5 30:22	52:3 58:18	12:13 46:16	6:16 7:9,10	10:12 33:3
63:19 68:18	60:15 62:18	51:16	7:19 42:18	34:17 41:7
out 37:16	69:11	percentages	57:19	47:12 48:9
45:17 71:9	particularly	12:2 42:1,4	pharmacists	55:4
74:19	14:3	44:10	12:5 45:16	Pilgrim 1:12
outcome 83:13	parties 5:3	period 72:14	pharmacy 6:9	1:19 3:9,15
outside 22:14	41:1 83:11	person 67:18	6:11,12,22	5:22 6:2 7:5
over 6:6 11:11	past 32:2 50:10	67:21	7:6 8:9 11:5	7:7,10,10,12
31:9 32:5	patient 34:12	personnel 56:7	11:12,15	8:12 9:4,5,21
51:20 52:19	41:15	perspective	14:9 17:11	9:22 10:2
53:18 54:10	PATTERSON	21:5 22:13	17:19 18:1	12:14 13:4
62:21 64:12	2:13	32:12	24:9 28:5	14:3,21
overlap 37:5	pay 41:15 73:6	pertained	30:16,19	16:11 17:22
own 8:19 52:10	73:13	13:16	33:9,11,14	17:22 18:5
53:16 56:7	payers 73:11	Pharmacare	34:6,15 35:9	20:14,19
67:22 81:21	78:19	18:10 19:15	35:11,15,18	21:6 22:7
owned 7:11	paying 14:18	20:5 22:17	36:5,16 37:3	24:18 25:3
owns 9:22,22	pays 73:9,22	23:5 24:12	37:22 39:16	25:11,16,20

Henderson Legal / Spherion
(202) 220-4158

James T. Kenney   September 20, 2004
                        Wellesley, MA

12

28:20 29:12
29:17 30:11
31:3,8,11,13
31:13 32:4,7
32:13 33:12
33:13,21
34:6,10 35:2
35:7,10,15,19
36:15 37:2
37:16 38:2
38:17 39:6
39:14 40:1,6
40:13 41:4,6
42:15 43:14
45:16,19
46:4 49:20
52:3 53:19
54:2,14 55:3
58:8,9,16
59:9,14,18,20
60:2,21
61:17,22
62:4,7,9,14
63:1,9,12
64:7 65:1,2,6
65:11,13
71:11 80:3
81:6 82:8,12
Pilgrim's
  22:12 38:22
  45:21 47:13
  48:10,15
  49:13
place 9:2
placed 81:22
Plaintiffs 2:10
  64:13,18
  80:13
plan 7:13,17
  9:20 17:3,5
  17:10,17
  20:6,13,20
  64:20 65:11
  65:12 66:14

66:17 67:5,9
67:15,18
68:13 71:10
76:11 79:5
80:2
Plan's 19:7,16
  31:14
play 67:5
please 5:16
  16:8 17:20
  21:12 25:5
  40:18 81:11
plus 15:5 47:15
point 7:20 9:14
  16:16 17:16
  19:14 20:1,4
  20:22 22:10
  25:3
position 6:8
  7:2,2 29:22
  57:15 80:19
positions 6:5,6
  81:11
possession
  71:11
post 57:1
practice 8:1,3
  8:8 9:12,16
practices 68:5
preferential
  28:14,21
preferred
  27:19 29:12
  29:17,21
  42:10,12,14
  42:21 43:7
prepare 32:2
prepared
  58:21
prescription
  18:2 66:4
  67:6,11,14,19
  68:7,12
  69:19 72:20

73:6,6,14,22
  77:17
prescriptions
  6:10,15
prescription-...
  79:19
price 1:7 14:4
  14:20 16:1,4
  48:17 49:9
  49:12 51:8
  52:16 53:18
  54:13 68:9
  70:10 75:22
  77:7,10 78:7
  78:8,10,11,14
  78:16,16,18
  78:20 79:2
  79:10,11,17
  80:1
prices 11:17
  14:1 15:13
  46:17 50:9
  50:13,14
  51:3 69:5
  78:1,6 79:4
pricing 38:6,14
  43:4,7 46:5,7
  50:2,10
  58:12 68:10
  68:18
primarily
  18:14
prior 17:4,9
  18:13 41:19
  45:8 58:22
pro 27:18 30:8
problem 37:6
  55:17
Procedure
  1:15
process 20:18
  21:2,7,12
  22:19 26:22
  31:18,20

37:12,14
38:8,18
44:14 45:15
46:4 47:1
59:6 60:12
processes
  20:12
processor 8:13
  8:16 18:14
produce 63:20
produced
  63:16
producing
  63:21 64:3
product 7:18
  7:22 52:10
  58:13,14
  62:10 78:12
production
  77:20
products 21:15
  27:3 30:7
  34:4,8,13
  36:22 41:14
  43:18,20,21
  46:12 58:19
  69:7 78:2
  79:3
program 17:1
  17:5 22:2,7
  23:2,4 25:8
  26:7,13 31:8
  34:22
programs 8:17
  8:19 18:7,12
  18:18,21
  34:14
Prolastin 63:6
  63:10
proposal 28:14
  37:22 38:22
  46:5,7
proposals
  26:18 27:11

provide 8:5
  10:1 28:14
  28:20,20
  30:10 31:3
  56:16 59:17
  61:1
provided 24:9
  34:12 35:7
  48:14 51:20
  59:8 77:22
provider 37:6
  45:9 60:20
providers
  36:16 37:3
  45:17
provides 59:13
providing 30:9
  35:14
provision 37:3
provisions
  1:15
Public 1:16 5:6
  83:2,18
publish 75:22
published 16:4
  52:16 76:15
publishers
  76:2
purchase
  10:19 11:13
  15:19 55:12
  58:3 67:6,10
  67:13,19
  81:13,13
  82:2,8
purchased
  10:8 11:18
  12:22 13:5
  14:21 19:8
  53:19 66:3
purchaser 53:8
  73:19 79:22
purchasers
  73:5 77:9

James T. Kenney

September 20, 2004

Wellesley, MA

13

78:21 79:3 79:21,22	69:14,21 70:2,22	17:10 23:18 24:3 25:11	4:3 80:10 **refer** 31:12	8:14 60:5 63:2
purchases 68:6 69:19	**rate** 41:16 42:10,11,12	26:14,18 27:11,17	41:10 43:6,8 82:9	**relative** 23:1 83:12
purchasing 54:8 67:22	42:13,21 44:4,6 45:11	29:13 30:10 32:1 55:5	**reference** 9:20 47:18,21	**relatively** 61:9 **remember**
69:7 81:2,21	46:22 52:4	75:5 79:17	72:10 75:16	19:4 65:4
purports 39:22 40:5	52:11 60:22 61:11 62:6	**rebating** 21:12 21:17 23:4	**references** 49:11	67:2 69:8 72:20 75:7
pursuant 1:14	62:13,18,19	**recall** 8:12,21	**referred** 72:22	**renegotiated**
put 28:6	62:20,21	9:10 18:7	**referring**	46:12,18
p.m 82:16	63:13 82:1	19:3,10,13,20	30:15 31:13	**repeat** 17:20
	rates 41:6	24:2,7,16	47:16 49:8	26:11
Q	42:20 44:8	25:6,15	51:10 82:10	**rephrase** 57:11
qualify 18:13	44:12,22	37:19 38:16	**refers** 49:7,9	**replace** 19:6
question 10:11	45:8 46:8,13	38:21 49:16	**reflected** 44:9	**replaced** 18:21
13:13 16:8	46:17 61:12	51:4 62:17	**regard** 43:9	19:15 20:5
17:20 18:15	74:5,6,9,13	63:13,21	**registered** 1:17	**reported** 83:6
26:11 28:17	74:14,22	64:3 70:1	57:19	**Reporter** 1:16
29:4 31:16	**rather** 22:8	76:10	**regular** 64:7	1:17,18
40:18 41:20	26:15	**recalling** 69:11	64:10	**represent** 42:6
43:9 44:19	**rationale** 37:7	**receipt** 5:5	**regularly** 77:8	42:8 44:10
47:10 48:1	**re** 1:5	**receive** 17:10	**reimburse**	44:11 64:18
50:18 51:17	**reaching** 23:10	25:20 42:19	35:10 41:7	**representative**
52:1 53:7	**read** 5:3 42:4	76:22 77:14	41:13 58:17	27:1
54:7 58:15	**ready** 40:18	77:18	59:1 62:7,14	**represented**
60:2,19 61:9	**really** 6:18	**received** 13:4	63:9	54:10
72:16 75:7	11:4 55:21	25:16 39:1	**reimbursed**	**represents**
80:12	56:5 70:18	76:1 78:5,18	44:4 47:13	53:17 78:15
questioning	**Realtime** 1:17	78:20 79:1	48:16	**request** 26:17
64:12	**REARDON**	**Recess** 39:9	**reimbursem...**	27:10 37:22
questions	3:3	**recollection**	16:10 35:7	38:22 63:19
12:17 80:13	**reason** 30:3,17	11:17 12:1	35:14 42:19	**requested** 22:3
82:13 83:8	30:18 52:3,9	25:13 70:18	44:12 46:17	46:5 61:1
quid 27:18	73:20	**record** 5:17	46:22 52:4	62:19 68:18
30:8	**rebate** 13:9,13	9:19 21:3,4	52:12 58:14	**requesting**
quo 27:18 30:8	13:16 17:1,2	39:7,8 40:8	58:17 60:22	27:17
	17:5 21:14	45:14 51:15	61:11,12	**reserved** 5:10
R	22:2,4,7,13	58:5,6 69:16	62:6,13,18,19	**reserving**
range 12:2	23:1 24:19	83:7	63:6 74:5	64:13
15:2 25:15	25:7,21 26:3	**RECROSS** 4:3	81:6	**respect** 8:22
37:4 51:16	26:6,13 27:2	**Redbook** 76:2	**related** 83:10	10:10,11
51:19 54:19	31:3,8 75:6	76:9,12	**RELATES** 1:9	12:11,22
69:5,5,10,12	**rebates** 16:17	**REDIRECT**	**relationship**	13:4 14:19

James T. Kenney   September 20, 2004
Wellesley, MA

14

16:9 26:18	3:19	46:9 47:5,21	servicing 23:22	slightly 27:16
27:11 37:8	role 11:2,11,16	51:9	set 11:19 25:7	sole 60:20
38:13,14,18	17:1 67:5	school 57:1,8,9	33:3 44:4,13	Somavert 63:6
44:2,8 45:14	81:11,15,17	57:12,14	44:22 46:22	63:11
51:2 54:20	82:4	Scrip 59:15,16	49:9,13,19	some 9:14 20:1
60:22 68:5,6	roles 11:12	59:21	51:3 52:3,19	29:12,20
68:12 74:4	roughly 46:16	Script 63:9	53:1 62:18	56:3 68:22
75:4 79:3	RPR 83:17	Scripts 63:3,11	74:7,13 76:3	something
80:13 81:12	Rule 1:15	seal 83:14	83:14	47:17
respective 5:3	Rules 1:15	sealing 5:6	sets 50:19	Sometimes
responded	run 9:1,15	second 39:19	setting 50:12	27:21 77:2
72:15	——— S ———	42:3,10	52:12	somewhere
response 38:15	S 2:4 4:9 5:1,1	43:18,22	shall 5:3	37:20 70:2,3
46:6	safe 28:13	44:4	sheet 77:5	sorry 17:15
responses	said 24:3 30:14	seek 81:10	shipped 41:14	sort 23:9 56:1
37:18,21	31:16 48:2	select 8:6	SHOOK 3:17	71:2 78:5
38:21	66:3 70:17	20:21 21:8	Shorthand	sources 75:19
responsibilit...	72:6 73:18	34:13 46:12	1:16	76:16,17,20
6:5,9,11 57:4	73:20 83:6,8	selected 45:10	should 80:1	speak 55:18
responsibility	same 6:17	45:12,16	show 41:5,10	special 34:6
6:17 32:8	10:16 23:15	self-administ...	shown 43:19	specialized
68:20,21	36:1,7 37:7	62:10	sign 5:4	36:20
responsible	38:17 41:15	sell 9:8 78:1,2	signed 62:20	specialty 33:11
59:7 67:19	75:21 82:6	selling 51:8	significant	33:14 34:10
67:22 80:14	satisfactory	sells 78:11	53:18,22	34:15 35:9
81:4	38:14	send 37:16	significantly	35:11,13,15
restricted	saw 68:9,10	separate 13:9	55:6	35:18 36:16
82:11	say 7:4,9 9:14	65:19	signing 5:5	36:19 37:3
retain 24:21	9:19 11:22	Separately	similar 22:19	37:20,22
32:4	22:8 23:16	68:2	24:14 51:13	42:15,18
reviews 40:17	24:17 27:14	September	Similarly	43:5,13,21
44:17 47:7	28:7 29:15	1:21 83:4,15	10:10	45:4,9,16,18
48:5 62:3	31:19 34:22	series 39:6,15	simply 58:15	52:13 60:8
RFP 37:16	35:12 36:9	40:9 41:22	since 7:2,20	60:15 63:2
46:6	46:21 53:17	50:14	31:9 43:6	63:20 64:4
right 29:7	54:7,18	service 36:22	56:1 70:6	74:4
35:16 41:22	61:10 70:3	37:6 38:4	sit 71:5	specific 49:10
42:2,3,9,11	71:20 72:11	45:6	site 68:1	specifies 41:13
44:5 54:4	79:14,15	services 8:6	sites 82:2	Square 67:1
55:7 64:13	81:1	10:1 34:12	Sitting 53:4	ss 83:2
68:3	says 58:13 77:6	38:5 39:17	situation 28:7	staff 6:8,13 7:9
risk 13:5	schedule 41:12	40:4 59:8,14	28:12,19	7:9,14,16,19
RMR 83:17	41:21 43:4	59:17 63:2	29:11 30:4	7:22 8:22 9:5
Road 1:20 3:11		64:4	situations 29:7	9:15,19 10:5

James T. Kenney   September 20, 2004
Wellesley, MA

15

10:15,21	41:19 42:17	62:1	48:1,2,2,7,13	**think** 50:6
11:9,13,16,20	45:20 47:11	**telling** 48:13	48:20 51:16	55:17 71:14
12:4,15 13:1	48:8 62:8	**term** 15:21	51:19 52:2	72:6
13:6,11 14:2	63:11	49:3 51:6	56:8 57:8,11	**thinking** 77:3
14:22 15:8	**supplier** 42:14	52:14	57:15 59:5	**third** 39:3,21
15:20 16:10	45:1,4 52:11	**terms** 18:17	62:21 65:5	**third-party**
81:14,19	**suppliers** 50:5	48:3 57:3	67:8 74:21	8:13 73:11
stamp 51:11	50:6	81:21	77:5 83:4	76:20 78:19
stamped 39:17	**supply** 34:17	**testified** 5:13	**thereto** 52:6	**thirty** 5:4
39:21 40:2,7	62:5	54:1 55:20	**there's** 28:19	**Thomas** 5:18
51:14 61:18	**sure** 8:14 20:3	56:2	41:21 42:3	**those** 6:6 10:13
standard 52:4	26:12 27:14	**testify** 55:10	**these** 12:17,17	11:3 15:13
stands 18:8	28:17 44:7	**TESTIMONY**	14:1 20:15	25:12,16
49:5	45:14 52:1	4:3	34:8 40:22	27:9,10 38:8
start 18:18	53:3,15 54:1	**than** 7:22 22:8	42:16 43:10	40:19 42:5
started 7:20	62:12 80:6	23:4 26:15	44:1,8,9,12	43:21 44:22
Starting 41:3	**switch** 59:20	29:7 43:6	46:22 47:5	45:8 55:13
state 5:16	**sworn** 5:12	46:20 48:21	51:17	58:18 64:6,9
states 1:1 40:4	83:5	50:5 61:12	**they** 8:1 18:13	67:20 68:6
status 28:1,3,4	**Synergyst**	73:19	18:14 19:8	74:9,14
28:21	43:17	**Thank** 80:8	25:14 26:6	77:18 81:19
stenographic...	**system** 31:21	**their** 27:3	26:18 27:11	**though** 29:21
83:6	31:22	30:17 34:11	30:19 34:7	**three** 39:2 50:5
stick 12:12		46:5 51:3,8	34:12 40:15	**through** 6:4
still 6:15 9:1	**———— T ————**	55:6 61:14	40:21 42:8	10:5,9,15,16
44:18 72:1	**T** 1:13 4:5,9	67:22 68:9	44:3,9,10,11	11:15 12:4
Street 2:5 3:5	5:1,1,11	68:10 73:6	45:1,2 51:3	17:11 22:8
66:11	**table** 41:21	77:19,19	56:19 58:12	22:14,22
strike 5:9 73:4	42:1,6 43:10	78:2 79:2,20	58:14,19,21	23:2,4 32:17
subject 79:16	43:13 51:13	**them** 10:8 27:2	59:3,4 60:16	39:18,21
submission	58:12	40:14	60:20,22	40:2,7 44:13
46:15	**tables** 51:17	**then** 6:10,16	61:1 62:19	47:1 57:1
submit 24:14	**take** 31:22	6:22 7:2 32:1	65:14,16,17	61:19 64:1
27:10	35:1,4 40:11	42:2,18 44:3	65:19,20	**Tiffany** 3:18
submitted	40:16 51:9	45:13 57:7	67:22 68:5	**till** 7:21 45:12
62:20	61:21	57:19 58:13	71:10,14,17	**time** 5:10 7:11
subscription	**taken** 39:9	76:11 81:18	74:9,16,18	7:13,20 8:14
76:12	83:11	82:1	75:22 76:6	8:20 9:14
substantive	**talking** 26:7	**there** 16:16	78:1,1 79:20	11:10 13:8
31:17	69:17 72:15	19:14 20:4	79:21 82:7	13:22 14:8
successors	80:20	22:10 24:5	**They'd** 71:17	14:14 15:13
31:14	**Telephone**	28:8 29:11	**they're** 43:22	16:3,16,22
such 25:3	3:17	30:16 42:1	74:11	17:16,21
supplied 41:7	**tell** 40:14 42:5	43:10,12	**thing** 78:17	19:14 20:4

James T. Kenney   September 20, 2004
Wellesley, MA

16

20:22 22:6	type 78:17	8:18 13:22	41:2 74:6	17:16 18:14
22:10 24:10	types 34:8	14:8,14		18:14 20:12
24:17 25:4,9	typewriting	15:12,21	**W**	23:17 24:13
26:2,5,6,12	83:7	16:3 30:2	WAC 11:22	25:11,14
27:15 29:20	typically 54:10	49:3,18 50:8	12:3,8,10,13	26:19 27:6
30:2 31:9		50:12,19	12:21 13:3	27:11 29:6
36:1,7 39:1	**U**	51:5 52:14	13:14 15:1,3	35:7,13,14
40:16 45:9	U 5:1	52:22 53:5	15:3,5,6,10	36:18,21
49:15 51:20	Uh-huh 6:14	53:11 55:22	15:21 25:14	38:12,22
70:6 72:15	6:20 8:16	58:16 75:19	25:16 26:4	43:7 44:12
title 6:22 35:1	11:6 12:1	understood	26:15 52:19	44:22 45:1,8
35:5 80:22	15:2,11	54:8 55:4	54:10 55:7	45:18 46:8
titled 39:16,19	17:14 18:9	unique 29:6,8	55:14 69:5	46:12,18
58:11	20:4,18 22:5	UNITED 1:1	71:3 75:7,16	47:9,11 48:1
today 48:13	23:16,19	up 7:8 9:18	wait 18:15	48:2,16
52:13 53:4	24:4 27:4	11:8 25:7,21	waived 5:7	49:19 55:12
70:18 71:5	29:1,3 30:8	45:13 48:7	walk 6:4 57:1	57:3,4 58:1
72:13 80:19	31:12,19	upon 11:19	Waltham	58:19,21
81:15 82:4	32:4 36:4	16:12 24:19	83:15	59:5 60:16
took 23:13	37:21 38:7	35:16 53:8	want 47:18	61:5 63:14
top 42:4 58:12	41:3,17 45:5	53:16 54:8	wasn't 14:4	63:15 64:6
toward 41:22	45:13 46:14	55:2 58:17	29:21 50:18	67:8,8,22
Town 57:13	49:6,11,18	83:6	Watertown	69:4,6,6,10
track 16:11	50:4 51:5	use 23:10	57:13	69:11,11,17
tracking 16:9	53:9,16	49:12 75:16	way 48:7,13,20	70:8,22 72:3
transcribed	56:18 57:6	82:2	50:17 56:1	72:15,18,18
83:6	57:10 62:17	used 49:6 51:6	76:6	73:1,18
transcript 5:4	63:14,21	usual 47:14	ways 77:13	74:16,18
5:6 83:7	69:15 72:5	48:16 51:6	WEBB 2:13	75:4 81:19
transformed	72:21 82:3	utilized 20:19	well 7:12 30:14	weren't 71:1
9:16	ultimate 30:17	20:20 49:19	30:22 31:14	We'd 27:1
trial 5:10	38:13		51:11 52:22	We'll 77:4
true 83:7	under 25:12	**V**	53:16 55:6	we've 20:15
trying 8:12	34:22 41:8	variables	55:10 60:18	39:14 41:4
55:21 56:3,6	42:20 47:8	50:14	Wellesley 1:20	51:10
70:1 81:10	47:10 48:7	various 6:5	3:12	what's 61:21
turn 58:7,10	48:15 61:14	11:12	went 57:7	when 7:4,8,9
64:12	63:8 83:7	versus 23:2	were 6:11 7:9	7:19 9:4,19
two 36:21 37:2	understand	47:22	10:5,18 11:8	15:18 16:20
37:8 42:5	28:17 52:1	very 50:18	11:17 13:3	18:11,18,18
44:9 45:2,16	52:18 75:17	Via 3:17	13:10,13,14	19:2,4,9,18
51:17 67:14	75:22 78:9	Village 36:5,6	13:16 14:1	20:8 22:10
74:20,21	78:10	36:11,20	14:18 15:13	22:16,17,19
TYLER 2:14	understanding	37:9 40:5	15:18 16:11	23:16 25:7

Henderson Legal / Spherion
(202) 220-4158

James T. Kenney

September 20, 2004

Wellesley, MA

17

28:4,5,14	54:13 62:6	60:18 61:9	69:21 71:6	70:18 74:4
29:4,6,8	62:14 66:4,7	**within** 1:18 5:4	71:16 79:14	75:19 77:16
30:14 31:12	66:19 79:17	83:7	79:15,22	**you'll** 58:10
31:19 33:13	82:7 83:11	**witness** 1:13	80:18	**you're** 40:14
35:6,12,22	**while** 17:16	40:17 44:17	**wouldn't** 28:14	55:18 62:1
36:2 49:7,11	57:8,12,14	44:20 47:7	29:16	**you've** 6:5,6
56:20 57:22	68:16	48:5 51:18	—————	78:20
59:20 65:2	**who** 8:6,7,16	62:3 73:2	**X**	—————
66:2 69:6,10	21:19 35:9	83:14	**X** 4:1,9	**0**
69:17 70:8	39:3 49:15	**Worcester**	—————	**001** 4:13 39:10
70:17 71:20	59:11,13	1:20 3:11	**Y**	**002** 4:15 39:11
72:11,15	60:1 64:22	**words** 31:2	**Yeah** 17:21	**003** 4:17 39:12
73:1,18 82:9	67:18 80:14	**work** 21:16	19:22 33:20	**004** 4:19 39:13
where 8:4	83:5	26:22 57:11	44:20 54:15	**005** 4:21 61:20
28:12,19	**whole** 33:4	64:19 66:16	68:10 70:1	**01CV12257-...**
29:11 30:19	**wholesale** 1:6	**worked** 11:7	**year** 64:20	1:3
41:10 56:12	15:21	17:21 21:19	**years** 6:3,7	**02142** 2:7
56:14 57:3	**wholesaler**	55:19 56:17	9:13 11:12	**02199** 3:6
66:10 71:14	10:9,17 16:2	57:4,5,8,13	20:9 69:17	**02481-9181**
whereby 9:21	**wholesalers**	57:18,19	69:22 70:4	3:12
45:15 58:2	10:20 14:20	66:2,5,9,14	70:15,19	**03** 36:3,8
WHEREOF	14:21 15:4,8	68:22 69:8	71:10 72:17	—————
83:14	15:19 53:13	**working** 68:16	**York** 2:17	**1**
Whereupon	53:20 54:3,9	70:8 71:9	**your** 5:16 11:1	**1** 25:19 39:7,15
82:15	80:15 81:3	**works** 43:3	11:11,13,17	40:9,13 41:5
wherever 28:8	81:14	**would** 6:4	12:1 13:22	46:10 64:1
whether 8:18	**whom** 5:21	11:22 15:14	14:8,14	**1st** 33:16
16:4 22:6,11	**why** 30:3 36:15	19:22 20:21	15:12,20	**10** 63:10 70:17
24:18 28:18	37:1 45:3	22:12 23:3	16:13,22	**10:50** 1:22
28:19 40:14	48:2 51:19	24:20 27:22	17:9 21:11	**10036-6710**
41:14 48:13	52:3 56:1	28:4,7,20	22:22 25:2	2:17
56:8 72:18	58:16 59:1	29:15,20	25:13 30:2	**1133** 2:16
75:5	74:11,15	30:3,10,19	32:12 33:9	**12** 62:16
which 12:3	75:12 79:15	31:3,15	40:16,18	**12:50** 82:16
13:14 15:3,7	**will** 5:16 21:7	33:16,20	49:3 50:8,12	**14** 54:18
20:13,21	31:22 34:13	34:5 35:1	50:18 51:5	**16** 70:3,14,19
21:7 27:5	41:13 77:5	37:7 42:14	52:14,22	71:10
29:7 32:13	77:10	42:19 43:6,8	53:8,10,16	**1611** 66:11
37:12 41:4,6	**willing** 26:19	44:3 45:3,19	54:8 55:2,11	**18** 54:11
42:1 43:11	27:12	47:13 54:15	55:22 56:22	**19** 70:4,15,19
43:13,16,17	**withdraw**	54:18,19	57:2,4,15	71:10
44:5 45:6,22	10:11 13:13	55:6 59:1	63:18 64:22	**1969** 56:21
50:14 51:10	37:1 43:12	60:19 61:8,9	65:3,6 68:20	58:1
53:12,19	47:10 60:1	68:22 69:1	68:20 70:13	**1970** 56:21

James T. Kenney   September 20, 2004

Wellesley, MA

18

58:1	4:19	**559-2246** 3:21		
1980 64:21	**398** 40:7			
1988 7:1 16:21	**398-416** 4:19	**6**		
17:4 26:7,8	39:13	**6** 1:15		
26:10,13		**60** 12:7 14:10		
31:9,11	**4**	55:14		
1990 19:5	**4** 39:15 40:13	**61** 4:21		
1990s 80:16	54:3 74:8	**617** 2:8 3:7,13		
81:4,12	**4th** 2:6	**64** 4:7		
1998 17:9	**4/21/2007**	**64108** 3:20		
21:12 25:8	83:22			
26:7	**416** 40:7	**8**		
	417 40:2	**80** 4:6 13:7		
2	**417-439** 4:17	15:9		
2 12:7,18,19,20	39:12	**800** 3:5		
14:9 15:5	**426** 58:10	**816** 3:21		
39:7,15	**439** 40:3	**85** 70:1		
40:13 54:3,5	**449** 39:17	**859-3600** 3:7		
54:6,9 55:13	**449-489** 4:13	**86** 70:1		
20 1:21 37:20	39:10	**87** 70:2		
37:21 38:9	**459** 47:19 49:7	**88** 18:13 26:9		
38:12 45:17	**461** 41:11			
20th 83:4,15	51:11	**9**		
2000 7:21 20:9	**482-3700** 2:8	**9th** 51:12		
20:11	**488** 51:14	**90** 25:19,21		
2002 33:17	**489** 39:18	70:17		
34:1 35:20	**490** 39:21	**90s** 19:21 20:1		
38:1 45:18	**490-535** 4:15	20:2,2 81:17		
52:13	39:11	**93** 1:20 3:11		
2003 38:19		**95** 46:21		
2004 1:21	**5**	**98** 26:7		
51:12 83:4	**5** 4:6 46:20			
83:15	61:18,22			
212 2:18	64:1			
23 54:11,18	**50** 12:7,18,19			
24 6:3,6	12:20 13:7			
2555 3:19	14:10 15:9			
	55:14			
3	**509-7252** 3:13			
3 39:7,15 40:13	**535** 39:21			
58:8 74:8	**536** 61:19			
30 1:15 5:5	**536-544** 4:21			
336-2222 2:18	61:20			
39 4:13,15,17	**544** 61:19			